



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

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शिमला, वीरवार, 24 जुलाई, 2008 / 2 श्रावण, 1930

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हिमाचल प्रदेश सरकार

खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले,

अधिसूचना

शिमला-2, 27 मार्च, 2008

**संख्या: एफ.डी.एस.ए.(3)2 / 2004.**—हिमाचल प्रदेश के राज्यपाल, अब भारत सरकार में पूर्व कृषि और सिंचाई मंत्रालय (खाद्य विभाग) आदेश जी०एस०आर०-800 तारीख 9 जून, 1978 और उद्योग और नागरिक आपूर्ति मंत्रालय (नागरिक आपूर्ति और सहकारिता विभाग) आदेश एस०ओ० 681(ई) और 682 (ई) तारीख 30 नवम्बर, 1974 के साथ पठित आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए विभाग के आदेश संख्या: एफ०डी०एस०-ए० (3) 8/2002 तारीख 3-02-2004 को राजपत्र, हिमाचल प्रदेश (असाधारण) में प्रकाशित, हिमाचल प्रदेश विनिर्दिष्ट वस्तु (वितरण का विनियमन) आदेश, 2003 में और संशोधन करने के लिए निम्नलिखित आदेश देते हैं, अर्थात :—

1. **संक्षिप्त नाम प्रारम्भ.**—इस आदेश का संक्षिप्त नाम हिमाचल प्रदेश विनिर्दिष्ट वस्तु (वितरण का विनियमन) (प्रथम संशोधन) आदेश, 2008 है ।

2. **खण्ड 8 का संशोधन.**—हिमाचल प्रदेश विनिर्दिष्ट वस्तु (वितरण का विनियमन) आदेश, 2008 (जिसे इस में इसके पश्चात् 'उक्त आदेश' कहा गया है) के उप खण्ड 2 में निम्नलिखित रखा प्रतिस्थापित किया जाएगा, अर्थात्:—

'इस आदेश के किन्हीं उपबन्धों के उल्लंघन के बारे में उप खण्ड 1 के अधीन की जाने वाली किसी कार्यवाही पर प्रभाव डालें बिना, नियंत्रक, उसकी अधिकारिता के भीतर, इस आदेश के खण्ड 3 के उप खण्ड (5) के अधीन जमा की गई प्रतिभूति को पूर्णतया या किसी भाग को समपहृत कर सकेगा या थोक विक्रेता/ उचित मूल्य की दुकान का धारक जिसके द्वारा विनिर्दिष्ट वस्तुओं का "अपयोजन" यदि कोई किया गया हो, से नियंत्रित मूल्य तथा खुले बाजार में प्रचलित दर के हिसाब से तुलनात्मक (अन्तर) मूल्य की राशि के दोगुने के हिसाब से वसूल कर सकेगा और तदोपरि प्राधिकृत थोक विक्रेता या उचित मूल्य की दुकान का धारक जिसे इस प्रकार की वसूली का आदेश दिया हो, तुरन्त उक्त रकम को जमा करेगा:

परन्तु जहां खण्ड 16 के अधीन प्राधिकृत थोक विक्रेता/उचित मूल्य की दुकान के धारक को प्रतिभूति जमा करने से छूट दी गई है, सम्बन्ध अधिकारी उस थोक/परचुन विक्रेता को भी उक्त दर्शाई गई सजा कर सकेगा :

परन्तु यह और कि उप खण्ड (1) और उप खण्ड (2) के अधीन कोई आदेश पारित करने से पूर्व, नियंत्रक, सम्बन्ध पक्ष को सुनवाई का युक्ति युक्त अवसर प्रदान करेगा:

परन्तु यह और कि जहां प्राधिकृत थोक विक्रेता या उचित मूल्य की दुकान के धारक के विरुद्ध जांच लम्बित है और प्राधिकार के निलम्बित करने के लिए यह आवश्यक समझा गया है, सम्बन्ध प्राधिकारी का समाधान होने पर, प्राधिकार को 6 मास से अनाधिक अवधि के लिए निलम्बित करेगा:—

3. उक्त आदेश में, खण्ड 15 के बाद, निम्नलिखित खण्ड 15—अ अन्तर्विष्ट किया जाएगा, अर्थात्.—

'निदेशक को उक्त आदेश के अन्तर्गत प्राप्त शक्तियों के अतिरिक्त 'नियंत्रक' की शक्तियां विद्यमान हैं।'

आदेश द्वारा,  
बी. के. अग्रवाल,  
सचिव, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले।

## FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS DEPARTMENT

### NOTIFICATION

*Shimla-2, the 27th March, 2008*

**No.FDS-A(3)2/2004.**—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955) reads with the Government of India in the late Ministry of Agriculture and Irrigation (Department of Food) Order, GSR-800 dated 9th June, 1978 and Ministry of Industries and Civil Supplies (Department of Civil Supplies and Co-operation) Order S.O. 681 (E), and 682 (E) dated 30th November, 1974, the Governor of Himachal Pradesh is pleased to make the following order to amend the Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2003 notified vide this Department Notification No. FDS-A (3) 8/2002 dated the 28-11-2003 and published in the extra ordinary Rajpatra of Himachal Pradesh Govt. dated 03-02-2004, namely:—

1. *Short title & Commencement.*— This order may be called The Himachal Pradesh Specified Articles (Regulation of Distribution) (First Amendment) Order, 2008.

2. *Amendment of clause 8.*— In the Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2008, (hereinafter referred to as the said order), in clause 8, for sub-clause (2) the following shall be substituted, namely:—

“Without prejudice to any action that may be taken under sub-clause(1) in respect of contravention of any of the provisions of this order, the controller, within his jurisdiction, may forfeit the whole or part of the security deposited under sub-clause (5) of clause 3 of this order or, recover double the amount as deferential cost between the Controlled price and the market price of diverted specified Articles, if any, and thereupon the authorized wholesaler or the Fair Price Shop holder, shall forth with deposit an amount so as to make the deficiency good in the amount:

Provided that where an authorized whole saler or fair price shop holder is exempted from deposit of the security under clause 16, the officer concerned, may also impose penalty as mentionrd above to these wholesaler / fair price shop holder:

Provided further that before passing any Order under sub-clause (1) or sub-clause (2), the Controller shall give a reasonable opportunity of being heard to the party concerned:

Provided further that where an enquiry is pending against authorized wholesaler or fair price shop holder, and it is considered necessary to suspend the authorization, the authority concerned, on satisfaction, shall suspend the authorization for the period not exceeding six months.”

3. In the said order, after clause 15, the following clause shall be inserted as clause 15 – A, namely:-

“The Director shall have all the powers of the “Controller” in addition to the power specified in this order.”

By order,  
B.K. AGGARWAL,  
*Secretary (FCS&CA).*

## FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS

### NOTIFICATION

*Shimla-171002, the 4th July, 2008*

**No. FDS-B(2)-3/2006.**—The Governor, Himachal Pradesh, in exercise of the powers conferred under Sub Clause (a) of Sub Section (1) of Section 10 of the Consumer Protection Act, 1986 (as amended by the Act.No.62 of 2002) and on the recommendations of the Selection Committee, is pleased to appoint Shri Pritam Singh presently posted as Special Secretary, Law to the Government of Himachal Pradesh, as President District Consumer Disputes Redressal Forum, Shimla.

The Governor, Himachal Pradesh is further pleased to order the repatriation of Sh. P.S.Rana, President, District Consumer Disputes Redressal Forum, Shimla for his further posting by the Hon’ble High Court of Himachal Pradesh.

By order,  
ANIL KHACHI,  
*Secretary (F,CS&CA).*

**FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS****NOTIFICATION.***Shimla-171002, the 28th April, 2008*

**No.FDS-A(3)-15/2005.**—In exercise of powers conferred by section 17 B of the Consumer Protection Act, 1986 (68 of 1986) as amended by the Consumer Protection (amendment) Act, 2002 (62 of 2002), the Governor of Himachal Pradesh is pleased to declare all District Headquarters in the State of Himachal Pradesh as places for holding Circuit Benches by the H.P. State Consumer Commission.

By order,  
B. K. Agarwal,  
Secretary (F., C.S. & C.A.).

**HIGH COURT OF HIMACHAL PRADESH AT SHIMLA - 171 001****NOTIFICATION***Shimla the 14th July, 2008*

**No.HHC/Admn.6 (23)/74-XIII.**—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 1.26 of H.P. Financial Rules, 1971, Volume-I, is pleased to declare Civil Judge (Junior Division)-cum-JMIC(II), Paonta Sahib as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Sr. Division)-cum-ACJM, Paonta Sahib and also the Controlling Officer for the purpose of T.A. etc. in respect of Class-II, III and IV establishment attached to the aforesaid Court under head "2014-Administration of Justice" during the leave period of Shri Rajeev Sood, Civil Judge (Sr. Division)-cum-ACJM, Paonta Sahib w.e.f. 28.7.2008 to 14.8.2008, with permission to prefix Special casual leave w.e.f. 14.7.2008 to 27.7.2008 and to suffix gazetted holidays falling on 15th, 16th and 17th August, 2008, or until he returns from leave.

**BY ORDER****REGISTRAR GENERAL****HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001****NOTIFICATION***Shimla, the 14th July, 2008.*

**No.HHC/GAZ/14-222/96.**—Hon'ble the Chief Justice is pleased to grant 18 days earned leave w.e.f. 28.7.2008 to 14.8.2008 with permission to prefix special casual leave w.e.f. 14.7.2008 to 27.7.2008 and to suffix holidays falling on 15th, 16th, and 17th August, 2008 in favour of Shri Rajeev Sood, Civil Judge (Sr. Division)-cum-ACJM, Paonta Sahib.

Certified that Shri Rajeev Sood is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Rajeev Sood would have continued to hold the post of Civil Judge (Sr. Division)-cum-ACJM, Paonta Sahib, but for his proceeding on leave for the above period.

BY ORDER.

**REGISTRAR GENERAL.**

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**HIGH COURT OF HIMACHAL PRADESH AT SHIMLA - 171 001**

**NOTIFICATION**

*Shimla, the 17th July, 2008*

**No.HHC/Admn.6 (23)/74-XIII.**—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 1.26 of H.P. Financial Rules, 1971, Volume-I, is pleased to declare Civil Judge (Junior Division)-cum-JMIC(I), Ghumarwin as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Jr. Division)-cum-JMIC (II), Ghumarwin and also the Controlling Officer for the purpose of T.A. etc. in respect of Class-II, III and IV establishment attached to the aforesaid Court under head "2014-Administration of Justice" during the leave period of Smt. Parveen Chauhan, Civil Judge (Jr. Division)-cum-JMIC (II), Ghumarwin w.e.f. 21.7.2008 to 2.8.2008, with permission to prefix Sunday falling on 20th July, 2008 and to suffix Sunday falling on 3.8.2008, or until she returns from leave.

BY ORDER

**REGISTRAR GENERAL**

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**HIGH COURT OF HIMACHAL PRADESH AT SHIMLA - 171 001**

**NOTIFICATION**

*Shimla, the 17th July, 2008*

**No.HHC/GAZ/14-58/75-XII.**—The result of 52<sup>nd</sup> Departmental Examination of the Civil Judges (Members of the Himachal Pradesh Judicial Service) held in June, 2008 is hereby published for information of all concerned as required under rule 2 read with Rule 10 of the Himachal Pradesh Judicial Service Rules, 2004 and Regulation 17(xi) of the Himachal Pradesh Judicial Service (Departmental Examination) Regulations, 2004.

BY ORDER

**REGISTRAR GENERAL.**

**RESULT OF 52<sup>nd</sup> DEPARTMENTAL EXAMINATION OF THE CIVIL JUDGES (JUNIOR DIVISION) HELD IN THE MONTH OF JUNE, 2008**

*Note :—*‘WITH CREDIT (WC)’ means passed by obtaining 3/4<sup>th</sup> of the maximum marks, ‘HIGHER STANDARD (HS)’ means passed by obtaining 2/3<sup>rd</sup> of the maximum marks, ‘LOW STANDARD (LS)’ means passed in the lower standard by obtaining 50% marks. ‘A’ means ‘Absent’ and ‘F’ means ‘Fail’.

Sr. No.	Name of the Officer	Roll No.	Group A-I Criminal Law (120 Marks)	Group A-II Civil Law (120 Marks)	Group-B Revenue Law-I & Revenue Law-II. (120 marks each 240 marks)	Group-C Accounts (160 marks)	Group-D Constitutional Law (100 marks)	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Smt. Sheetal Sharma	3	-	95 (WC)	-	-	-	-
2.	Shri Harmesh Kumar	7	83 (HS)	86 (HS)	-	-	10 (F)	-
3.	Shri Vivek Sharma	9	67 (LS)	82 (HS)	-	95 (LS)	8 (F)	-
4.	Shri Sidharath Sarpal	11	88 (HS)	81 (HS)	-	-	-	-

(A.K. Vaidya)  
Addl. Registrar/  
Superintendent,  
Deptl. Exams. Committee.

(V.K. Sharma)  
Registrar General/  
Secretary,  
Deptl. Exams. Committee

**HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001**

**NOTIFICATION**

*Shimla, the 17th July, 2008.*

**No.HHC/GAZ/14-261/03.**—Hon’ble the Chief Justice is pleased to grant 13 days earned leave w.e.f. 21.7.2008 to 2.8.2008 with permission to prefix Sunday falling on 20th July, 2008 and to suffix Sunday falling on 3.8.2008 in favour of Smt. Parveen Chauhan, Civil Judge (Jr. Division)-cum-JMIC (II), Ghumarwin. Certified that Smt. Parveen Chauhan is likely to join the same post and at the same station from where she proceeds on leave, after expiry of the above period of leave.

Also certified that Smt. Parveen Chauhan would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC (II), Ghumarwin, but for her proceeding on leave for the above period.

BY ORDER.

**REGISTRAR GENERAL.**

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**HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001**

**NOTIFICATION**

*Dated: 19th July, 2008*

**No.HHC/Admn.3(126)/79-I.**—19 days commuted leave on and with effect from 21-7-2008 to 8.8.2008 with permission to affix Sunday on 20.7.2008, 2nd Saturday and Sunday falling on 9th and 10th August, 2008 is hereby sanctioned in favour of Shri J.D. Bhardwaj, Assistant Registrar of this Registry. Certified that Shri J.D. Bhardwaj is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period. Certified that Shri J.D. Bhardwaj would have continued to officiate the same post of Assistant Registrar but for his proceeding on leave.

BY ORDER

**REGISTRAR GENERAL.**

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**HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001**

**NOTIFICATION**

*Dated:18th July, 2008*

**No.HHC/Admn.3(40)/74-III.**—5 days commuted leave from 24.6.2008 to 28.6.2008 with permission to suffix Sunday falling on 29.6.2008 is hereby sanctioned, ex-postfacto, in favour of Shri Surinder Singh Thakur, Assistant Registrar of this Registry.

Certified that Shri Surinder Singh Thakur has joined the same post and at the same station from where he had proceeded on leave after expiry of the above leave period.

Certified that Shri Surinder Singh Thakur would have continued to officiate the same post of Assistant Registrar but for his proceeding on leave.

BY ORDER

**REGISTRAR GENERAL.**

**DEPARTMENT OF PERSONNEL (A-I)****NOTIFICATION***Shimla-2, the 19th April, 2008*

**No.5-1/71-DP-Apptt (2008).**—The Governor, Himachal Pradesh is pleased to place the services of Shri Tarun Shridhar, IAS(HP:84) Secretary (Animal Husbandry & Fisheries) to the Government of Himachal Pradesh at the disposal of Government of India for his appointment as Joint Secretary in the Department of Animal Husbandry, Dairies and Fisheries from the date he relinquishes the charge under the State Government.

By order,  
RAVI DHINGRA  
Chief Secretary.

**LABOUR & EMPLOYMENT DEPARTMENT****NOTIFICATION***Shimla-171 002 the 21st July, 2008*

**No. Shram (A) 7- 1/ 2005- I (D/ SHALA).**—In exercise of the powers vested in her under Section 17 (1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of awards announced by the Presiding Judge, HP Industrial Tribunalcum-Labour Court, Shimla of the following cases on the website of the Labour & Employment Department.

Sr. No. & Case No.	Title of the Case	Date of Award
1. 27 of 2003	Shri Mansukh, S/o Shri Biru Ram, R/o Village Chataur, P. O. Mehndobag, Tehsil Pachhad, District, sirmaur, HP. Vs 1. The Executive Engineer HP State Electricity Board, Division Rajgrah at Rajgrah, District Sirmaur, HP. 2. The Superintending Engineer, H. P. State Electricity Board, Circle Nahan at Nahan, District Sirmaur, HP.	27-5-2008
2. 195 of 2002	Ran Singh S/o Shri Surat Singh, R/o Village Bhalad Bhalon, Tehsil Sangrah, District Sirmaur, H.P. Vs. 1. The State of Himachal Pradesh through Secretary (PWD) with Hqs at Shimla. 2. The Superintending Engineer, HPPWD Circle, Nahan District Sirmaur, H.P.	31.5.2008



	3. The Executive Engineer, HPPWD Division, Haripurdhar at Sangrah, District Sirmaur, HP.	11.6.2008
3. 34 of 2005	Sh. Karan Singh Vs M/s Superior, Air Products Barotiwala, Solan.	
4. 121 of 1997	1. Prem Chand 2. Sultan Singh, 3. Jagjit Singh, 4. Gulzar Mohd. 5. Chaman Lal, 6. Shiv Shankar, 7. Bhagwati, 8. Mani Ram, 9. Kishan Lal, 10. Rama Kant, 11. Ram Garib 12. Munir Khan, 13. Hari Chand, 14. Dalip Singh, 15. Sant Ram. (All are serving as skilled workers in the HP PWD and I&PH workshop Nahan, Foundry, Nahan). Vs 1. The Secretary (PWD) with HQs at Shimla. 2. The Engineer in chief HP PWD U.S Club, Shimla. 3. The Superintendent Engineer, HPPWD and I&PH workshop Nahan. 4. The Executicve Engineer, HPPWD and I&PH workshop with HQs at Nahan.	30.5.2008
5. 1 of 2005	Tota Ram, S/o Shri Sher Singh, R/o Village Bandli Surakh, P. O. Bhatgarh, Tehsil Saangrah, District Sirmaur, H.P. Vs 1. The Divisional Forest Officer, Forest Division, Renukaji, District Sirmaur, HP. 2. The Range Officer, Forest Range, Renukaji, District Sirmaur, HP.	30.5.2008
6. 77 of 2006	Vikram Verma, S/o Shri D.B Verma, C/o Shri Amar Singh, Village Bilanwali, (Labana) P.O. Kuranwana, Tehsil Nalagrah, district Solan, H.P. Vs The Managing Director, Ajay Ferti-Chem (Bombay) Pvt. Ltd. Village Maipur, P.O. Baddi, Tehsil Nalagrah, District Solan, HP.	8.5.2008
7. 339 of 2003	Pratap Singh, S/o Shri Devi Ram, (Waiter) Vs  Managing Partner Hotel Woodland, Daisy Bank Estate, Shimla.	30.5.2008
8. 87/2001	Samtal Workers Union Vs Samtal Color Ltd.	8.1.2008
9. 94 of 2002	Lal Chand, S/o Shri Godhru Ram, R/o Village Mehlan, P.O. Kotgarh, District Shimla, H.P. Vs The Executive Engineer HPPWD Division, Kumarsain District Shimla, HP.	31.5.2008

**IN THE COURT OF JAGMOHAN SINGH MAHANTAN, PRESIDING JUDGE, HP  
INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, SHIMLA.**

Reference No. .. 27 of 2003

Instituted on .. 5-2-2003.

Decided on : .. 27-5-2008.

Shri Mansukh, S/o Shri Biru Ram, R/o Village Chataur, P.O Mehndobag, Tehsil Pachhad,  
District, sirmaur, HP. *Petitioner.*

*Versus*

2. The Executive Engineer HP State Electricity Board, Division Rajgrah at Rajgrah,  
District Sirmaur, HP.

3. The Superintending Engineer, H.P State Electricity Board, Circle Nahan at  
Nahan, District Sirmaur, HP. *Respondents.*

*Reference under section 10 of the Industrial Disputes Act, 1947.*

For Petitioner .. Shri R.K Khidta, Ld. Csl.

For respondents : .. Shri Bhagwan Chand, Ld. Csl.

**AWARD**

1. The following reference has been received for the adjudication by this Court from the appropriate government:—

“Whether the termination of the services of Shri Mansukh S/o Shri Biru Ram daily wages beldar by the Executive Engineer, HPSEB Division Rajgrah, District Sirmaur H.P w.e.f. September, 1996 without complying the provisions of Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits the aggrieved workman is entitled to?”

2. The petitioner has filed the separate claim alleging that he was engaged as beldar on daily wages by the respondent Board in the month of January, 1982 and worked as such up to September, 1996 under the Assistant Engineer, Sub-Division Sarahan, Division Rajgrah, District Sirmaur without any break who has also completed 240 days in calendar year and the services of the petitioner has been orally terminated by the respondents w.e.f. 30.9.1996 without assigning any reasons and without complying the mandatory provisions of Industrial Disputes Act, 1947 and therefore, the respondents have violated the section 25-F, 25-G and 25-N of the Industrial Disputes Act, 1947 and that the respondents have engaged other new persons but the petitioner has not been called by them for reengagement. The petitioner used to visit the office of the respondent board who assured him that he would be called very soon and the petitioner waited for 5 years but ultimately, he was forced to submit the demand notice to Labour cum- Conciliation Officer Nahan in October, 2001 but conciliation proceeding failed due to the adamant attitude of the respondent and accordingly, this reference has been made to this Tribunal.

3. The respondents have also filed separate reply taking preliminary objection to maintainability and estoppel. On merits, it is contended that the petitioner was engaged on daily wages as beldar by the SDO HPSEB Saharan w. e. f. 16-3-1987 instead of January, 1982 and worked up to 15-1-1995 instead of September, 1996 as claimed in different spells with certain

interruptions/breaks and the detail of working days of the petitioner is Annexure RA-1 and he was quite casual and never completed 240 days in any calendar year and thereafter w.e.f. 16-1-1995, the petitioner left the job at his own for the reasons best known to him and as such no notice was required to be served in view of Standing Orders clause 14 (2)(a) under Industrial Disputes Act.

4. In the rejoinder, the petitioner has controverted the assertion made in the reply and reaffirmed and reiterated the para of the petition.

5. On the pleadings of the parties, the following issues were framed by this Court on 7-5-2004.

1. Whether the termination of services of the petitioner by respondent w.e.f. Sep. 1996 without complying the provisions of Industrial Disputes Act, 1947 is proper and justified? OPP
2. If issue No-1 is not proved, to what service benefits, the petitioner is entitled to? OPP
3. Whether the reference is not maintainable as alleged in preliminary objection No. 1&2. OPR
4. Whether the reference suffers from delay and latches as alleged? OPR
5. Whether the petitioner is estopped from filing the present application due to his own acts, deeds and conducts? OPR

6. Relief.

6. I have heard the Ld. Counsels for the parties and also gone through the record of the case. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings on the aforesaid issues are as under:—

<i>Issue No. 1</i>	No.
<i>Issue No. 2</i>	Entitled for reinstatement
<i>Issue No. 3</i>	Not proved.
<i>Issue No. 4</i>	Not proved.
<i>Issue No. 5</i>	Not proved
<i>Relief</i>	Reference allowed as per operative part of award

#### REASONS FOR FINDINGS.

7. Coming to issue No-1 &2, Both these issues are taken up and discussed together being co-related and interconnected for sake of convenient and to avoid repetitions. Coming to these issues the petitioner has examined himself as PW-1 who has stated that he was engaged by the respondent board in Jan. 1982 and worked as such up to September, 1996 under Assistant Engineer Rajgrah continuously and had completed 240 days during each calendar year. His services were orally terminated by the respondents w.e.f. 1-10-1996 without any notice, charge-sheet and compensation and the respondents have also retained the juniors to him who are still working with the respondents. He was unemployed since his termination. He made written request to the respondents for his reengagement, the copy of which is Ex. PW-1/A and Ex. PW-1/B and when the respondents did not reengage him, he raised the demand notice, the Copy of which is Ex. PW-1/C

and the mandays shown by the respondents are not correct as per record. The petitioner prays for consequential benefits including back-wages and continuity in service.

8. PW-2 is Shri Chatter Singh, who has stated that he was engaged by the respondent in the year 1986 and worked as such up to December, 1997. He knows the petitioner and he worked with petitioner till September, 1996 who was given fictional breaks by the department and the petitioner was orally terminated by the respondents while other persons were reengaged by the respondents.

9. PW-3 is Shri B.D Sharma, Assistant Engineer Electrical Sub-Division Narag, who has stated that Mansukh was employed by the board and worked as such till 15-1-1995. No notice was issued to the petitioner nor any compensation was paid to him by the respondent board. Board has its standing orders. Sher Singh was appointed on 22-7-1986 as daily wages.

10. To rebut the case of the petitioner, the respondents have examined Shri Ravinder Singh Assistant Engineer, HPSEB Sub- Division Panog who has stated that the petitioner had worked on daily wages at Electrical Sub-Division Rajgarh w.e.f 16-3-1987. During this period, the petitioner remained absent but the department has not given breaks intentionally. The petitioner remained willfully absent from duty. After 15-1-1995, the petitioner never reported for duties and left the job at his own. During the aforesaid period, the petitioner never completed 240 days. The petitioner was not served with notice as he has not completed 240 days. The petitioner is not entitled to be reinstated and the detail of mandays chart of the petitioner is Ex. RW-1/A. He has verified the working days of the petitioner from official record.

11. The case of the petitioner is that he being daily waged beldar has completed 240 working days in calendar year whose services were terminated by the respondent board orally without giving any notice, compensation or charge-sheet and as such his termination is illegal and improper who is entitled to be reengaged in service with all consequential benefits.

12. On the contrary, the respondents contend that the petitioner has not completed 240 working days in a calendar year and as such he is not entitled to reengage in service nor any notice was required to be served upon the petitioner as he willfully absented from service without any notice. After the closed scrutiny of the record of the case, it is clear that the petitioner has not completed 240 days in calendar year as is evident from mandays chart but the case of the petitioner is that where the workman has not completed the services of less than 1 year, 10 days notice is required to be given in writing of pay and allowances in lieu of such notice even without assigning any reason by either side, by the party, issuing the notice to the party on whom the notice is served. In the instant case, the petitioner being workman has not completed 240 days in any calendar year even than under standing orders of the HPSEB, the respondents were required to serve 10 days notice in writing or pay and allowances in lieu of such notice and therefore it is crystal clear that the respondent board has deviated from the basic principle of the standing orders placed on record and obviously therefore, I have no hesitation in coming to the conclusion that the petitioner has not worked for 240 days in calendar year but as per standing orders of the HPSEB, 10 days notice is required to be given in writing before terminating the services of the petitioner and no such notice was issued to the petitioner in writing before terminating him as such, the termination of the petitioner is illegal, improper and thereafter, the services of the petitioner are ordered to be reengaged forth-with without any back-wages. However, the petitioner is entitled to his seniority and continuity in service. Accordingly, both the issues answered in favour of the petitioner and against the respondents.

*Issue No-3.*

13. In support of this issue, no evidence was led by the respondent as to how the reference is not maintainable however, I find nothing wrong with this reference, hence it is maintainable.

*Issue No-4*

14. In support of this issue, no evidence was led by the respondent as to how the reference is suffers from delay and latches.

*Issue No-5.*

15. In support of this issue, no evidence was led by the respondent as to how the petitioner is estopped from filing this petition due to his own acts, deeds and conducts. In view of the no such evidence on record, it can safely be concluded that the petitioner is not estopped from filling the petition by his own acts, deeds and conduct.

### RELIEF

As sequel to my findings on the aforesaid issues, the reference is partly allowed and the petitioner is ordered to be reengaged forth-with with seniority and continuity in service but without back-wages. Let a copy of this award be sent to appropriate government for publication in the official gazette. File after due completion be consigned to records.

Announced in the open court today on this 26th Day of May, 2008 in the presence of parties.

JAGMOHAN SINGH MAHANTAN,  
*Presiding Judge, HP Industrial Tribunal-cum-  
Llabour Court, Shimla.*

### IN THE COURT OF JAGMOHAN SINGH MAHANTAN, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA

Ref No.	.. 195 of 2002
Instituted on	.. 21-6-2002
Decided On	.. 31.5.2008

Ran Singh S/o Shri Surat Singh, R/o Village Bhalad Bhalon, Tehsil Sangrah, District Sirmaur, H.P. *..Petitioner.*

### *Versus*

1. The State of Himachal Pradesh through Secretary (PWD)with Hqs at Shimla.
2. The Superintending Engineer, HPPWD Circle, Nahan District Sirmaur, H.P.
3. The Executive Engineer, HPPWD Division, Haripurdhar at Sangrah, District Sirmaur, H.P. *..Respondents.*

*Reference under section 10 of the Industrial Disputes Act, 1947.*

For petitioner .. Shri O.P Sharma, Ld. Csl.  
 For respondent .. Shri T.C Kainthla, Ld. DDA.

### AWARD

1. The following reference has been received for adjudication by this Court from the appropriate government:—

”Whether the termination of the services of Shri Ran Singh, S/o Shri Surat Singh by the Executive Engineer HPPWD division, Haripurdhar, Tehsil Sangraha, District Sirmaur, H.P w.e.f. year 1993 and without complying the section 25-F/25-N of Industrial Disputes Act, 1947 is legal and justified? If not, what relief the above workman is entitled to?”

2. The petitioner has filed the claim pleading therein that he was engaged as daily wages beldar under the erstwhile HPPWD Division Haripurdhar now Sangraha Division in the year 1984 and continued to work as such up to 1987 when his services were disengaged by the employer without any notice and without complying with the mandatory provisions of Industrial Disputes Act, 1947 and that the applicant had completed 240 days service for the application of section 25-F of the Industrial Disputes Act, 1947. It is also pleaded that while disengaging his service, the principle of last come first go has not been followed by the respondent employer and persons junior to him were retained in service and afterward fresh engagement has been made in the Division for which Seniority of the Division can be summoned which is also violative of section 25-H of Industrial Disputes Act 1947, because as per section 25-H of the Industrial Disputes Act, 1947, retrenched employees have to be given the preferential treatment for making fresh recruitments but the mandatory provisions of the Industrial Disputes Act, 1947 have been ignored and even the fresh engagements have been made in the Division which is still going on. After disengagement of the petitioner, employer is making fresh recruitments and hundred of posts are lying vacant in the Division and that the action of respondent employer in disengaging his services is unjustified, arbitrary and violative of mandatory provisions of the Industrial Disputes Act, 1947 and against the principle of natural justice which amounts to unfair labour practice hence, this claim.

3. The claim is resisted and contested by the respondent and filed reply inter-alia raising preliminary objections of maintainability, want of jurisdiction, barred by limitation and estoppel. On merits, it is contended that the petitioner never completed 240 days in a calendar year as per provisions of section 25-F of the Industrial Disputes Act, 1947 and left the job at his own without assigning any cogent reason and the claim petition deserves dismissal. It is also contended that the services of the petitioner has never been dispensed with by the respondent but the petitioner left the job at his own.

4. No rejoinder filed. The following issues were framed by this Court on 12.4.2008.

1. Whether the petitioner has been terminated from service without complying with the provisions of Industrial Disputes Act, 1947? If so its effect? OPP
2. If issue No-1 is proved in affirmative to what relief the petitioner is entitled to? OPP
3. Whether the present petition is not maintainable for the relief claimed by the petitioner OPR
4. Relief.

5. I have heard the Ld. Counsels for the parties and also gone through the record of the case. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under:—

<i>Issue No. 1</i>	No.
<i>Issue No. 2</i>	not entitled
<i>Issue No. 3</i>	No.
<i>Relief</i>	Claim dismissed per operative part of award.

### REASONS FOR FINDINGS

#### *Issue No. 1.*

6. Coming to issue No-1, the petitioner has examined himself as PW-1 who has stated that he was engaged as beldar in HPPWD Sangrah in the year 1985 and worked as such till 1995 and he worked continuously without any break and as such he had worked for more than 240 days in preceding calendar year and his colleagues S/Shri Kundan Singh, Rajinder Singh, Parma Ram, Sunder Singh and Kanthi Singh beldar are still working in the department and after terminating his services Kanthi Ram was engaged and after his termination he went to XEN for reengagement who refused his reengagement on the ground that there was no muster roll with him. He has not abandoned his job of his own. It is significant to note that the petitioner has admitted in the cross-examination that he worked for 52 days in the year 1988 and he did not work for a single day in 1989 and he worked for 60 days in 1990 and he does not remember whether he worked for any day in the year 1986. However, he had admitted that he had not worked for 240 days in preceding calendar year.

7. On the contrary, no evidence was led by the respondent as the petitioner has admitted the case of the department.

8. It is significant to note that in the instant case, the petitioner claims having worked for more than 240 working days as daily wages beldar. Apart from his oral evidence, the petitioner has not produced any evidence to prove the fact that he has worked for 240 days. There is no proof of salary or wages, any record and order in that regard was produced. No co-worker was examined by the petitioner and even no record from HPPWD was summoned in order to show that the workmen junior to him are still working in the department and the mandays chart is not proved on record in order to show that the workers are junior to him which could only be proved from the record of the HPPWD department which has not been proved on record. And as such it is fully proved on record that the petitioner being workman has failed to prove on record that he worked for 240 working days in a calendar year and obviously therefore, the petitioner is not entitled for protection of section 25-F of the Industrial Disputes Act, 1947. I am also fortified with a view taken by Hon'ble Supreme Court in AIR 2006 SC 110 case titled as Surindranagar District Panchyat V. Daya Bhai Amarsinh.

9. Apart from it, I have also observed that the petitioner has failed to prove on record that junior to him are still working and thus there is no protection of section 25-G & 25-H of the Industrial Disputes Act, 1947. I have carefully scrutinized the evidence of the petitioner who has admitted in his cross-examination that in the year 1990 he worked for 60 days then he left the job and thereafter, it is clear that he abandoned the job himself who was not retrenched illegally by the respondent and thereafter, I have no hesitation in coming to the conclusion that the petitioner has abandoned the job of his own who was not terminated from service by the respondent without complying with the mandatory provisions of Industrial Disputes Act, 1947 and as such, no notice or compensation was required to be given to the petitioner in this case. Accordingly Issue No.1 is decided against the petitioner and in favour of respondents.

*Issue No. 2.*

10. since I have held under issue No-1 that the petitioner has left his job at his own and has not completed 240 working days in a preceding year and as such, the petitioner is not entitled to any relief as claimed by him and as such, this issue is also decided against the petitioner.

*Issue No. 3.*

11. In support of this issue, no evidence was led by the respondent nor was it pointed out during the course of arguments as to how the petition is not maintainable. In view of no such evidence on record, I hold that the petition is maintainable in the present form. Accordingly issue No-3 is decided against the respondent.

*Relief.*

As a sequel to above discussion and findings on issue No-1 to 3, the claim fails and hereby dismissed. The reference is ordered to be answered accordingly. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 31st Day of May, 2008 in presenc of parties.

JAGMOHAN SINGH MAHANTAN,  
*Presiding Judge, HP Industrial Tribunal*  
*-cum- Labour Court, Shimla.*

**IN THE COURT OF JAGMOHAN SINGH MAHANTAN, PRESIDING JUDGE,  
INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, SHIMLA**

Ref. 34/2005

Sh. Karan Singh V/s M/s Superior Air Products Barotiwala Solan.

11.6.2008

Present: Sh. Rajesh Vats, Advocate for the petitioner.  
Sh. Vijay Mohan Nayyer, General Manager for respondent.

Shri Vijay Mohan, General Manager who is present has stated that the respondent company has already paid back wages @ of Rs.20% and also allowed the seniority without any break in service to the petitioner. The statement of Sh. Vijay Mohan recorded separately and placed on the court file.

In view of the above, the present reference is dismissed as compromised. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced.

JAGMOHAN SINGH MAHANTAN,  
*Presiding Judge, HP Industrial Tribunal-cum-*  
*Labour Court, Shimla.*



**IN THE COURT OF JAGMOHAN SINGH MAHANTAN, PRESIDING JUDGE,  
INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, SHIMLA**

Ref. .. 121 of 1997  
Instituted on .. 5-11-1997  
Decided On .. 30-5-2008

2. Prem Chand 2. Sultan Singh, 3. Jagjit Singh, 4. Gulzar Mohd. 5. Chaman Lal, 6. Shiv Shankar, 7. Bhagwati, 8. Mani Ram, 9. Kishan Lal, 10. Rama Kant, 11. Ram Garib 12. Munir Khan, 13. Hari Chand, 14. Dalip Singh, 15. Sant Ram. (All are serving as skilled workers in the HP PWD and I&PH workshop Nahan, Foundry, Nahan) ..Petitioners.

*Versus*

2. The Secretary (PWD) with HQs at Shimla
3. The Engineer in chief HP PWD U.S Club, Shimla
4. The Superintendent Engineer, HP PWD and I&PH workshop Nahan
5. The Executive Engineer, HPPWD and I&PH workshop with HQs at Nahan

..Respondents.

*Reference under section 10 of the Industrial Disputes Act, 1947.*

For petitioner .. Shri O.P Sharma, Ld. Csl.  
For respondent .. Shri T.C Kainthla, Ld. DDA.

**AWARD**

1. In this petition Shri Prem Chand and 14 other workers have offered a challenge to their pay scale granted to the other Mechanical side and even also to the non I.T.I. holders having 7 years of experience and as such, the following reference has been received by this court for adjudication:—

“क्या श्री प्रेम चन्द व अन्य 14 श्रमिक सूची संलग्न जो कि कुशल श्रमिक के रूप में सात व से अधिक वेतनमान रू0 950—1800 में कार्यरत है कि यह मांग कि उन्हें अधीक्षण अभियन्ता, हिमाचल प्रदेश लोक निर्माण विभाग/जन स्वास्थ्य एवं सिंचाई विभाग, स्टेट वर्कशाप नाहन फाउन्ड्री नाहन द्वारा हि0 प्र0 वित्त विभाग की अधिसूचना स0 पिन/सी/—बी/7/6/88 दिनांक 29—3—89 के अनुसार तकनिशियन ग्रेड—111 का वेतनमान रू0 1200—2100 दिया जाये उचित एवं न्याय संगत है । यदि हां तो यह श्रमिक किस तिथि से मांगे गये वेतनमान व राहत के हकदार है ।”

2. The petitioners have filed the claim alleging therein that they are serving as workmen under HPPWD and I&PH workshop (Nahan Foundry Ltd.) on technical side in the mechanical grades and the Nahan Foundry was taken over by the PWD and I&PH department w.e.f 1-10-1988 on account of administrative problems and the services of the staff were taken over by the HPPWD and in terms and condition of take-over it was agreed that all the terms and conditions of H.P workmen employee would be applicable to the staff taken over by PWD and the applicants also opted from HP Government employee pay pattern and that the Government of HP issued a notification dated 9-12-1976 wherein the category of carpenter who were ITI trained were given the pay scale of Rs. 140- 360/- and subsequently, that scale have been revised w.e.f 1-1-1986 to Rs. 1200-2100/- and in between also the said scale was revised w.e.f 1-1-1978 later on the other category in the mechanical side also covered by the said notification by way of amendment and the category of the applicants is also covered by the said notification. Further it provides that the non

I.T.I holders who have 7 years experience would also be given revised pay scale as notified in the notification dated 9-12-1976 and that all the applicants are covered by the said notification as they have put in more than 7 years of experience in their respective grade and as per the terms and condition of the HP Government and they have completed 7 years of service, hence are entitled to the revised pay scale as per notification dated 9-12-1976 and as such, the applicants are firstly entitled to the pay scale of Rs. 140-360/- and then revised pay scale of Rs. 1200-2100/- w.e.f 1-1-1978 and their pay scale is to be fixed as per the said pay scale and as such with the grant of revised pay scale, the arrears may be ordered to be paid to the applicants after fixations of their pay in the said revised grade.

3. The respondents have resisted and contended the claim filed by the applicants and file reply inter-alia contending that the decision of the H.P. Government for fixation of pay scale of the above mentioned posts was one time decision and these orders are not applicable to the workers who have fulfilled the essential qualification prescribed in the R & P Rules after 9-12-1976 and the workers who fulfill the qualification after 9-12-1976 are not entitled for the revision of pay scale as is evident from the Engineer in Chief Shimla letter dated 19-3-1989 and the applicants at Sr. No. 1 to 15 have served on various posts with the erstwhile Nahan Foundry, Nahan and later on taking over by State Government and converted into HPPWD and I&PH workshop (Nahan Foundry) Nahan and the services of the applicants were taken over in the said workshop along-with other employees and in the terms and condition described in the order dated 23/27-12-1989 of the Commissioner-cum- Secretary to the government of H.P. and as such the pay scale of these employees whose services have been taken over by the state PWD and I&PHworkshop shall not be varied to their disadvantage and these employees shall be given an opportunity to exercise an option either to retain their existing pay scale which will be frozen forthwith or to opt for the existing pay-scale of the State Government. In case the employees opt for the former existing pay-scale, they will not be entitled for further increase on the basis of revision of pay scale of Railway workshop Jagadhri but in no case their existing emoluments shall be reduced and that since the applicants are not the employees of HP Govt. after 9-12-1976, hence they are not entitled to the pay scale of Rs. 140-360/- w.e.f. 9-12-1976 and revised pay scale w.e.f. 1-1-1978 an pay scale of Rs. 200-2100/- w.e.f. 1-1-1986. Moreover, prior to 1-10-1988, the applicants were serving with Nahan foundry, Nahan which was a unit of Himachal Pradesh government undertaking and their services were required under the different set of rules framed by the Board of Directors from time to time and that the applicants have earlier filed reference No. 121/1997 in the same Court which was dismissed in the year 1998 and the copy of order issued by this Court is annexed and as such for the same cause of action, the claim is not maintainable.

4. No rejoinder filed. The following issues were framed by this Court on 17-8-2000.

1. Whether the petitioners are entitled to the scales as claimed by them in the petition? ..OPP
2. Whether the pay scale are being paid to the petitioner as per the R&P Rules framed by State of HP as alleged? ..OPP
3. If issue No. 1 is proved in favour of the petitioners, then to what scale and amount, the petitioners are entitled? ..OPR
4. Relief

5. I have heard the Ld. Counsels for the parties and also gone through the record of the case. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under:—

<i>Issue No. 1</i>	.. Yes entitled since 1-10-1988.
<i>Issue No. 2</i>	.. No.
<i>Issue No. 3</i>	.. Pay scale of Rs.1200-2100/- ordered to be granted w.e.f. 1-10-1988.
<i>Relief.</i>	.. Petition allowed per operative part of award.

*Issue No. 1.*

6. Coming to issue No-1, the petitioner has examined himself as PW-1 who has stated that he was employed in 1966 after doing the training of welder and was confirmed in 1969 and as such became semi skilled in 1973 and now he became a skilled worker and other petitioners are also skilled workers and some of them are Mechanists category and fitters etc. and they are demanding the pay scale of Rs. 1200-2100 from 1-10-1988 whereas they are getting the pay scale of Rs. 950-1800/- and are also demanding the fixation w.e.f. 1-10-1988. Karora Singh & Ors. have filed the similar petition and the award is Ex. PA and they have been paid by the department as per award. They are also demanding for the same grade on completion of 3 years and in case of ITI trained people and other 7 years for other trained persons as per Ex. PB and PC. These notifications have been issued by the State Government of HP and as such they are also the employees of the state Government after 1-10-1988 and Karora Singh etc. also getting as per these notifications. The petitioner No-1 Prem Chand has further stated that he is in skilled category prior to 1-10-1988.

7. To rebut the case of the petitioners Shri R.L Badalia Executive Engineer I&PH and PWD workshop Nanah appeared as RW-1 who has stated that Nahan Foundry was converted into department of HP Government w.e.f. 1-10-1988 and was taken under the terms and conditions of take over and the employees were given an option to adopt the H.P scales or central scales. The petitioners opted for HP Scale and now they are demanding the scales of higher category which is a superior category and the petition is not maintainable under section 33-C(2) of the Act. However, this witness has admitted that this Court has awarded higher scale to the petitioner as is claimed by these petitioners. Puran Chand & Ors. were given the benefits, why were semi skilled employees like the petitioners who had been given benefits after the award and other awards are under consideration of the Government for implementation.

8. The case of the petitioners is that they are entitled to higher scale i.e Rs. 1200-2100/- w.e.f. 1-10-1988 when the Nahan Foundry, Nahan was taken over by HPPWD and I&PH departments of HP Government and the date on which they opted for HP government pay scales. It is also the grouse of the petitioner that the similar petitions were filed in this Court which were allowed and the other semi skilled workers are getting the H.P government pay scale i.e. Rs. 1200-2100/- since 1-10-1988 as is evident from the case of Karora Singh & Anr. V/s The State of HP & Ors. decided on 8-11-1998 which is Ex. PA.

9. On the contrary, the respondents contend that the petitioners are not entitled to enhanced pay scale as they do not fall under this category.

10. After the closed scrutiny of the record of the case, the petitioner Prem chand has specifically stated that he became skilled worker in the year 1988 while other petitioners are fitter, mechanists and in case of non technical staff having experience of 7 years are entitled to fall in this category and to claim the pay scale of Rs. 1200-2100/- and the petitioners have opted for the scales of HP State employees since 1-0-988 when the Nahan Foundry, Nahan was taken over by the PWD & IPH departments, hence the petitioners being skilled workers having experience of more than 7 years they fall in the category of highly skilled workers and as such they are entitled to be given the pay scale as applicable to other employees i.e Rs. 1200-2100/- w.e.f 1-0-988 and that on similar proposition, there is settled law by the Hon'ble High Court of Andra Pradesh in case titled as Aspe

Board, Hyderabad And Others Vs B. Subbaready And Anothers as reported in 1999 (4) SLR-53 in which it was held that:—

“Certain employees of PWD were transferred to State Electricity Department on permanent basis and they were also given the scale of those employees employed earlier by the State Electricity Board on their transfer”.

11. Similarly it was held by the Punjab & Haryana High Court in case titled as Keshav Dutt And Others Vs. State Of Haryana And Otheres reported in 1998(1) SLR 109 in which it was held that:—

"the petitioner filed for grant of revised pay scale as is being paid to the Electricians having 2 years of ITI certificates who were working on the technical posts as the petitioners are holding and are similarly qualified have been given the grade".

12. It was further held by Hon'ble Supreme Court in case titled as P. Savita And Others Vs Union Of Indial And Other reported in 1985 (3) SLR-29 in which it was held that:-

“Senior Draughtsman in the Ministry of Defense production the same work and discharging the same functions and duties and classified the Senior Draughtsman in two groups and recommended higher pay scale for one group not on any merit-cum- seniority basis but only on seniority and fitness basis. These Draughtsman cannot be treated differently and amounts discrimination and is hit by Article 14 of the Constitution”.

13. Thus having regard to the entire evidence on record and above cited judgments and the fact that the similar petitions were allowed by this Court in which they are entitled to the pay scale of Rs. 1200-2100/- granted w.e.f. 1-10-1988 being the skilled workers at the time of taking over this Nahan Foundry by the department of HPPWD and I&PH and further it is clear that the respondents have discriminated the petitioners in not allowing the pay scale of Rs. 1200-2100/- hence, I am of the firm view that the petitioners opted the pay scale of H.P as on 1.10.1988 are entitled to the pay scale of Rs. 1200-2100/- w.e.f. 1-10-1988 accordingly this issue is decided in favour of the petitioners and against the respondents.

#### *Issue No-2.*

14. In support of this issue no evidence was led by the respondent in order to show the R&P Rules nor any R&P Rules were placed on the record which could show that they are being paid on the basis of R&P Rules framed by the State of H.P. accordingly this issue is replied against the respondents.

#### *Issue No-3.*

15. Since I have been held under issue No-1 above, that the petitioners are entitled to enhanced pay scale of Rs. 1200-2100/- w.e.f. 1-10-1988 hence, this issue does not require further determination accordingly this issue is decided in favour of the petitioners and against the respondents.

#### *Relief.*

As sequel to above discussion and findings on aforesaid issues, the petition succeeds and is accordingly allowed and as such the petitioners are ordered to be entitled to revised pay-scale of Rs.

1200-2100/- w.e.f. 1-10-1988. Let a copy of this award be sent to the appropriate government for publication in official gazette. File after completion be consigned to records.

Announced in the open court today on this 30th Day of May, 2008 in the presence of parties.

JAGMOHAN SINGH MAHANTAN,  
*Presiding Judge, HP Industrial Tribunal-cum-  
Labour Court, Shimla.*

**IN THE COURT OF JAGMOHAN SINGH MAHANTAN, PRESIDING JUDGE,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SHIMLA**

Ref No. ..1 of 2005  
Instituted on ..1-1-2005  
Decided on ..30-5-2008

Tota Ram, S/o Shri Sher Singh, R/o Village Bandli Surakh, P.O Bhatgarh, Tehsil Saangrah, District Sirmaur, H.P. *..Petitioner.*

*Versus*

1. The Divisional Forest Officer, Forest Division, Renukaji, District Sirmaur, H.P.
2. The Range Officer, Forest Range, Renukaji, District Sirmaur, H.P. *..Respondent.*

*Reference under section 10 of the Industrial Disputes Act, 1947.*

For petitioner .. Shri A.K Gupta, Ld. Csl  
For respondent . .. Shri T.C Kainthla, Ld. DDA

**AWARD**

1. The following reference has been received for adjudication by this Court from the appropriate government:

“Whether the termination of services of Shri Tota Ram, S/o Shri Sher Singh, Ex. Daily wages beldar by the Divisional Forest Officer, Forest Division Renukaji District Sirmaur, HP w.e.f. March, 2003 without complying the provisions of the Industrial Disputes Act, 1947 on completion of 240 days of continuous of service is proper and justified? If not, what relief of service benefits and amount of compensation Shri Tota Ram workman is entitled to?”

2. The petitioner has filed the petition on the ground that he was engaged as daily wages beldar under the respondents in the year 1988 and worked as such up to December, 1990 when his services were disengaged illegally and though, the applicant had completed 240 working days in each calendar year prior to the date of his disengagement and as such he was entitled to the notice and compensation in view of section 25-F of the Industrial Disputes Act, 1947 before his services were disengaged but no notice nor any compensation was paid to him while disengaging his services and even the persons junior to him are still continuing and the persons who were working along-with the applicant are also serving in the department which is also in violation of the principle of last come first go and also violation of section 25-H of Industrial Disputes Act, 1947

and even while making new recruitments, the applicant has not been given the preference which was necessary and that after disengagement of the services of the applicant, he met the concerned authorities several times but nothing was done by these authorities and even after the disengagement, the petitioner remained without any gainful employment, hence he prayed that his termination may be quashed and may be reengaged in services with all benefits along-with full back wages.

3. The respondents contest the claim of the petitioner and filed reply inter-alia raising preliminary objections of maintainability and having filed this calim after about 14 years from the date when he left the work at his own. On merits, it is contended that the applicant was engaged during the year 1988 and except the calendar 1989-90 he had not completed 240 days from 1988 to 2002. The applicant had worked for 203, 296, 283, 186, Nil, 53,78, 95, 110,91, 176, 163, 138, 27, 25,36 and 112 days during the calendar year 1988 to 2004 respectively and thereafter, he absented himself from work at his own will and approached to work and was engaged accordingly during Jan. March & May, 2003, Feb. March. July August, December, 2004 as is evident from annexure R-1 and since no cause of action arose to the applicant who was not disengaged by the respondents and had filed no representation before any of the respondents at any Forum for redressal of his Grievances and as such the industrial Disputes Act, 1947 are not applicable in this case. In the year 1991 he left the work at his own will and adopted the Programme of “Van Lagao Rozi Kamao” in the year 1999 and 2000 and had worked for 163 and 138 days and left the work at his own and remained Vice President of Van Forest Development Society, Bandal Surakh. It is also contended that the provisions of last come first go have not been violated by the respondents but the petitioner absented himself on work at his own and the applicant was engaged on service whenever he approached the respondents. No fresh engagements have been made to the dispense with the services of the applicant.

4. No rejoinder filed. The following issues were framed by this Court on 21.4.2006.

1. Whether the services of the petitioner has been illegally terminated by the respondent w.e.f. March, 2003 without complying the provisions of I.D Act, 1947?  
If so its effect? .. OPP
2. If issue No-1 is proved in affirmative to what relief the petitioner is entitled to? ..OPP
3. Whether the present petition is not maintainable? ..OPR
4. Whether the petition is barred by limitation? ..OPR
5. Relief.

5. I have heard the Ld. Counsels for the parties and also gone through the record of the case. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under:—

<i>Issue No. 1</i>	No
<i>Issue No. 2</i>	Not entitled to any relief
<i>Issue No. 3</i>	No
<i>Issue No. 4</i>	No
<i>Relief</i>	No relief granted as the petitioner abandoned the work himself and as such the reference is answered accordingly per operative part of award.

## REASONS FOR FINDINGS

*Issue No. 1.*

6. Coming to issue No-1, the petitioner has examined himself as PW-1 who has stated that he was engaged by the respondent and worked up to 2004 and the department was given the break in service at their own. No notice or compensation was given to him when he was removed from service and the junior to him are still working in the Division namely S/Shri Ran Singh, Sat Pal, Jaggu who are working in the nursery at Koti Dhiman and some time they are sent to Ghatoo nursery and he may be given the relief but he has admitted in the cross-examination that he left the work in 2000 as he became the President of Van Forest Development Bandal Surakh, who has also admitted that he had not completed 240 days since 1991 he has further admitted that they are engaged for seasonal work by the department. The petitioner has further admitted that no body was engaged after he left the work by the department.

7. To rebut the case of the petitioner, the respondents have examined two RWs. RW-1 is Shri Desraj, Deputy Ranger who has stated that he allowed the petitioner to work as and when he came to him during his stay as Forest Guard from 1994 to 2000 and detail of mandays are given in Ex. RA and the petitioner was not removed from work by him who left the job himself.

8. RW-2 is Shri Hira Singh, Forest Guard who has stated that the petitioner worked under him as per detail given in mandays chart Ex. RA. The petitioner used to come occasionally for the work and was not removed from the service by him but he left the job at his own.

9. The case of the petitioner is that he had completed 240 working days in a calendar year and his services were wrongly terminated by the respondent. On the contrary, the respondent contended that the petitioner was not retrenched from service but he abandoned the work himself and left the work at his own and adopted the Programme of “Van Lagao Rozi Kamao” and remained Vice-President of one forest development society, Bandal Surakh.

10. I have considered the respective contention of both the parties and have scrutinized record of the case. After the close scrutiny of the statement of petitioner Tota Ram on oath, it is clear that he has admitted in his cross-examination that he had left the job in 1991 and adopted a government policy “Van Lagao Rozi Kamao” who has further admitted that he became the President of Van Forest Development Society, Bandal Surakh in 2000 and further admitted that he had not completed 240 days since 1991 and the petitioner also admitted that he was engaged for the seasonal work and nobody was engaged after he left the work and thus from the statement of the petitioner, it is clear that he had not completed 240 working days in the preceding year when he abandoned the work of his own. It is well settled in AIR 2006 S.C. 110 case titled as Surindernagar District Panchayat V/s Dayabhai Amarsinh in which it was held that:—

“In case workman claims to have worked for more than 10 years as daily wager—Apart from oral evidence workman has not produced any evidence to prove fact that he has worked for 240 days---No proof of receipt of salary or wages or any record or order in that regard was produced: no co-worker was examined; muster roll produced by employer has not been contradicted—Workman has failed to discharge his burden that he was in employment for 240 days during preceding 12 months of date of termination of his service—Workman not entitled for protection of Section 25-F before his service was terminated.”

11. In the instant case, the petitioner himself has admitted in his cross-examination that he left the work in 1991 and adopted a Government Policy “Van Lagao Rozi Kamao” and became

President of Van Forest Development Society, Bandal Surakh in 2000 and as such he has admitted that he has not completed 24 days since 1991 and thereafter it stands proved on record that the petitioner has failed to prove that he has completed 240 working days in a preceding year from the date of his termination of his services and obviously therefore, I have no conclusion in coming to the conclusion that the petitioner abandoned the job himself whose services were not terminated by the respondent. Accordingly, issue No-1 is decided in favour of the respondent and against the petitioner.

*Issue No. 2.*

12. Since issue No-1 has been decided in negative hence, this issue becomes redundant and requires no determination.

*Issue No. 3.*

13. In support of this issue, no evidence was led by the respondents as to how the petition is not maintainable in view of such evidence on record it can be safely be concluded that the present petition is not maintainable in the present form.

*Issue No. 4.*

14. In support of this issue, no evidence was led by the respondents as to how the petition is barred by limitation. No doubt, the petitioner has raised the Industrial Disputes after some year but the provisions of limitation Act, are not applicable to the proceedings under the Industrial Disputes Act, 1947 and obviously thereafter, the delay in filing the reference cannot debar the petitioner for filing this petition against the respondent.

*Relief.*

As a sequel to above discussion and findings on issue No. 1 to 4 above, the claim fails and is hereby dismissed and the reference is ordered to be answered accordingly. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File after completion be consigned to records.

Announced in the open Court today on this 30st Day of May, 2008 in presence of parties.

JAGMOHAN SINGH MAHANTAN,  
*Presiding Judge, HP Industrial Tribunal-cum-  
Labour Court, Shimla.*

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**IN THE COURT OF JAGMOHAN SINGH MAHANTAN, PRESIDING JUDGE, HP  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA**

Ref. No. .. 77 of 2006  
Instituted on .. 30-5-2006  
Decided on .. 8-5-2008

Vikram Verma, S/o Shri D.B Verma, C/o Shri Amar Singh, Village Bilanwali, (Labana)  
P.O Kuranwana, Tehsil Nalagrah, district Solan, H.P. *..Petitioner.*

*Versus*



The Managing Director, Ajay Ferti-Chem (Bombay) Pvt. Ltd. Village Maipur, P.O Baddi, Tehsil Nalagrah, District Solan, H.P. *..Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner .. Shri O.P Sharma, Advocate.  
For respondent .. Already ex-parte.

### AWARD

1. The petitioner was appointed as Foreman on a monthly honorarium of Rs. 5,000/- in the service of respondent on 19-9-2002 and continued as such up to 17-05-2004, when his services were terminated by the respondent without complying with the mandatory provisions of Industrial Disputes Act, 1947. The termination of services of the petitioner was found to be illegal, as such, the following reference has been received for adjudication from appropriate government:—

“Whether the termination of service of Shri Vikram Verma S/o Shri D.B Verma workman by the Managing Director, Ajay Ferti-Chem (Bombay) Pvt. Ltd, Village Malpur, P.O Baddi, Tehsil Nalagarh, District, Solan, H.P w.e.f. 11-5-2004 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?”

2. Upon receipt of this reference, the petitioner filed a claim that he was engaged by the respondent as Foreman on 19-9-2002 and continued as such up to 17-5-2004 when his services were terminated by the respondent without complying the provisions of Industrial Disputes Act, 1947 and that no retrenchment compensation as required under the Industrial Disputes Act has been paid to the petitioner. No domestic enquiry was held and the petitioner worked with the respondent management whole heartedly and nothing adverse has been recorded against him during his entire tenure of service who worked with the respondent continuously and completed more than 240 working days in a calendar year and when the petitioner was terminated from service he served the demand notice on the respondent management on 26-5-2004 immediately, after disengagement and the petitioner was not reengaged by the respondent despite repeated requests. The petitioner was engaged on monthly wages of Rs. 5,000/- but he has never been paid the salary agreed by the management.

3. The respondent was properly served for 6-11-2006 through Registered AD Post but did not put in his appearance and was proceeded against exparte on 20.12.2006.

4. The petitioner in his ex-parte evidence examined himself as PW-1 and appeared in the dock and deposed that he was engaged by the respondent company Ajay Ferti-Chem (Bombay) as Foreman on 19-9-1992 and continued as such up to 17-5-2004 and worked with the respondent throughout the year and did not take any leave from the respondent, but his services were terminated by the respondent. No notice or compensation was paid to him at the time of the termination of his services. No charge sheet was ever served upon him by the respondent company and his salary was fixed at Rs. 5,000/- and he had completed more than 240 working days in a calendar year and he is now unemployed and he is not working in any establishment and as such he prayed that he may be reengaged with full back-wages and other benefits.

5. I have gone through the ex-parte evidence and record and heard Ld. Counsel for the petitioner.

6. In view of unrebutted ex-parte evidence on record, I am satisfied that the petitioner was engaged by the respondent company as Foreman on 19-9-1992 at a fixed salary of Rs. 5,000/- and continued as such upto 17-5-2004, when his services were terminated by the respondent company without any notice or charge sheet. No compensation was paid to him at the time of his termination. I am also satisfied that the petitioner had completed more than 240 working days in a calendar year and I have come to the conclusion that the termination of the petitioner without complying the provisions of Industrial Disputes Act, 1947 is improper, illegal and unjustified and as such the reference is answered in favour of the petitioner and against the respondent and the respondent is directed to reengage the petitioner with seniority and continuity in service. However, the petitioner shall be entitled to back wages @ of 50% from the date of reference i.e 30-5-2006. Let a copy of this award be sent to appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open Court today on this 8th Day of May, 2008.

JAGMOHAN SINGH MAHANTAN,  
Presiding Judge, HP Industrial Tribunal-cum-  
Labour Court, Shimla.

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**IN THE COURT OF JAGMOHAN SINGH MAHANTAN, PRESIDING JUDGE,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA**

Ref. No. .. 339 of 2003  
Instituted on .. 12-12-2003  
Decided on .. 30-5-2008

Pratap Singh, s/o Shri Devi Ram, (Waiter) ..*Petitioner.*

*Versus*

Managing Partner Hotel Woodland, Daisy Bank Estate, Shimla ..*Respondent.*

*Reference under section 10 of the Industrial Disputes Act, 1947.*

For petitioner .. Shri Anil Kumar God, Ld. Csl.  
For respondent .. Shri Bharat Bhushan, Ld. Csl.

**AWARD**

1. The following reference has been received for adjudication by this Court from the appropriate government:—

“Whether the termination of services of Shri Pratap Singh S/o Shri Devi Ram, Waiter by the Managing Partner, Hotel Wood Land, Daisy Bank, Jakhoo, Shimla-171001 w.e.f. 10-4-2002 without conducting domestic enquiry on the charges of absenteeism and drink- ness of workman is proper and justified? If not, what relief of service benefits Shri Pratap Singh workman is entitled to?”

2. The petitioner Shri Pratap Singh in his claim petition has alleged that he was engaged as a Waiter in the respondent Hotel on 20-3-1990 and worked in the said capacity till 10-4-2002. During the course of service he has completed 240 days in every year and the work and conduct of

the petitioner was always appreciated by the respondent and there was no complaint against the petitioner and the respondent terminated the services of the petitioner w.e.f. 10-4-2002 without any enquiry, notice and without following provisions of Industrial Disputes Act, and no reason was assigned to the petitioner as to why his service was terminated and was not given an opportunity to be heard and to clarify his position and was condemned unheard and the services of the petitioner have been dispensed with by an illegal manner without following law and the respondent has not paid the dues (emoluments and wages) to the tune of Rs. One lac only and it is an illegal and unfair practice and the respondent has not paid the service benefits of the petitioner including over time allowances, diet charges, annual increment and basic pay and even the respondent while dispensing the services of the petitioner have not issued any notice under section 25-F of the Industrial Disputes Act, nor any retrenchment compensation has been paid to the petitioner. The respondent has engaged fresh hand in-violation of section 25-H of the Industrial Disputes Act and have retained juniors in violation of section 25-G of the Act and the services of the petitioner was dispensed without any proper notice or enquiry hence, the principle of law and natural justice have violated and the illegal disengagement of the petitioner is liable to be quashed and set-aside with all consequential benefits. This claim petition is duly supported by an affidavit.

3. The respondent resisted and contested the claim of the petitioner and filed reply inter-alia contending that the petitioner has not approached the Court with clean hands and suppressed the material facts and the petition is not maintainable. On merits, it is contended that the work and conduct of the petitioner was never up to the mark rather through out the time, he remained in the service of respondent and there were consistent complaints from the entire staff as the petitioner was in a bad habit of drinking and during this period he also involved himself in various unlawful activities for which the entire staff consistently complaining against him and as such his work and conduct was never appreciated by the respondent. It is also contended that the services of the petitioner were never terminated who himself involved in certain unlawful activities in the year 2002 for which even Police also intervened in the Hotel and entire staff made a complaint against him and when he was confronted with the complaint, he himself agreed to leave the job, as a good will gesture, the respondent gave full and final payment including compensation under the Industrial Disputes Act, for which the petitioner himself has given clearance and now the petitioner in order to harass the respondent after a period of more than a year turned around and made this false demand notice before concerned authority which referred to this Court.

4. In the rejoinder, the petitioner controverted the assertions made in the reply and reaffirmed and reiterated the averments of the petition. On the pleadings of the parties, the following issues were framed by this Court on 9-5-2006.

1. Whether the services of the petitioner w.e.f. 10-4-2002 has been terminated without conducting any domestic enquiry on the charges absenteeism and drunkenness ? If so its effect? ..OPP
2. If issue No-1 is proved in affirmative to what relief of service benefits, the petitioner is entitled to ? ..OPP
3. Whether the petition in the present form is not maintainable? ..OPR
4. Relief.

5. I have heard the Ld. Counsels for the parties and also gone through the record of the case. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under:—

*Issue No. 1* .. Yes

<i>Issue No. 2</i>	.. Entitled to be reengaged with seniority and continuity in service but without any backwages.
<i>Issue No. 3</i>	.. No
Relief	.. Reference allowed per operative part of award

### REASONS FOR FINDINGS

#### *Issue No-1&2.*

6. Coming to issue No-1, the petitioner has examined himself as PW-1 who has stated that he was working as waiter in the respondent Hotel since March, 1990. He worked up to April 2002 and as such worked for more than 240 days in each calendar year and his services were illegally terminated by the respondent without any notice or compensation. He is doing agricultural work at his house and there was no complaint during his entire stay. He may be reinstated with all benefits. He had gone to his village on 6-4-2002 as his mother was not feeling well and on his return he was given one letter Ex. PA by the owner of the hotel. He had given detailed reply as Ex. PB. He was permitted to leave the Hotel to visit his ailing mother but on return he was not permitted to join his duties. No enquiry was conducted against him and as such he may be reinstated with all benefits.

7. To rebut the case of the petitioner, the respondent was examined two RWs. RW-1 is Shri Atul Gautam, Managing Partner of Hotel Woodland has stated that the petitioner was engaged as Waiter in Hotel Woodland who left the job in the year 2002 after taking the full & final payment. Earlier the petitioner was working nicely but during the last few year, his behavior became irresponsible and disrespectful to the management. The petitioner used to consume liquor during duty time. During April, 2002 one foreigner was staying in the Hotel, Police came to the Hotel and found one girl in the foreigner room and during the enquiry by the Police, the foreigner disclosed that the girl was brought in the Hotel by the petitioner and they were being harassed by the Police. The petitioner was not in the Hotel during that period who ran away from the Hotel due to this incident. Inspector Shri Sunil Negi (CIA) conducted the raid and then staff write the letter to the Managing Director after the incident which is Ex. RA to remove the petitioner. He has kept the letter in the Hotel register in order to terminate the services of the petitioner and in compliance to this letter, the petitioner give in writing that he was leaving the job after the receipt of full & final payment as per letter Ex. RC. The application Ex. RB & RC are signed by the petitioner at the time of receipt of full & final payment. The petitioner left the job himself after Police raid and the petitioner is also working somewhere at Mashobra at camping site Dogidhar. The petitioner himself stated before this Court that he was working at Chamba with some contractor.

8. RW-2 is Shri Vinod, Waiter of the Hotel has corroborated the statement of PW-1 by stating that during 2002 one foreigner guest stayed in the Hotel to whom a girl was provided by the petitioner. Police visited the Hotel and the petitioner was not present and when the petitioner came to the Hotel he ran away after coming to know about the Police raid and then he give in writing as per letter Ex. RD to the M.D and then a compromise was entered into and the petitioner agreed to leave the job after receipt of full & final payment. The petitioner signed the document Ex. RB & Ex. RD in his presence on 30-4-2002 when he returned to the Hotel. Khoob Chand was the manager who had written the letter Ex. RC and during his stay of over one year in the Hotel he noticed that the behavior of the petitioner was not good and some time he was consuming liquor at duty time and the petitioner left the job only to save him from the Police case. He does not know what happened to the police raid.

9. After the close scrutiny of the evidence on record, it is clear that the respondent management has leveled an allegation that the petitioner has brought a Call Girl in the Hotel and provided to the foreigner as a result of which the Police raided the Hotel and got recovered a Call Girl from the room of foreigner and that the foreigner disclosed that the Call girl was provided by the petitioner. It is significant to note that the respondent tried to establish on record that the Call Girl was provided by the petitioner which revealed in the Police enquiry conducted by Inspector of Police (CIA) Shri Sunil Negi but neither Inspector Shri Sunil Negi was examined nor FIR against the petitioner is provided on record which could show that the petitioner was involved in a sex scandal. It is also borne out from the record that no enquiry was conducted in order to find about the truth and the recovery of Call Girl from the Hotel room of foreigner and as such it appears that the petitioner was made a scapegoat in this case in order to oust him from the Hotel.

10. Now turning to the other aspect of the case, it is proved from the record that RW-1 has admitted in his cross-examination that during the stay of petitioner for 10 years there was no complaint against him and his work and conduct was found good. Apart from it, the respondent has not challenged that the petitioner has completed more than 240 days in the preceding year from the date of his termination. Moreover, it is proved from the statement of RW-2 Waiter of the Hotel that when the Police raided the Hotel, the petitioner was not present and even RW-1 Atul Gautal, Managing Partner of the Hotel has admitted that no FIR was lodged by him against the petitioner for bringing the Call Girl in the Hotel and obviously therefore, it is clear that no allegation for bringing Call Girl in the Hotel by the petitioner is proved on record nor there is any material on record which could show that the petitioner used to drinking liquor during duty time and in view of no such evidence on record, it can safely be held that the respondent has fabricated a false allegation for bringing Call Girl in Hotel and addicted to drinking in order to justify the ouster of the petitioner from the Hotel. It is well settled in AIR 1999 Supreme Court Cases -1540, case titled as M.C D V/s Parveen Kumar Jain & Ors. & also well settled in 2001 (4) SLR 690 in case titled as Narotam Parasad Gautam Vs. State of U.P & Ors. in which it was held that :—

“termination of services on the basis of alleged mis-conduct; relevant record not made available to the Court, adverse inference drawn on the non production of relevant record. No procedure followed before passing of order of termination. Order vitiates and set-aside.”

11. In the instant case, the respondent tried to establish on record that the respondent was paid back-wages and compensation vide letter Ex. RC. From the perusal of this document revealed that this letter was scribed by one Mr. Khub Chand Chauhan, Manager of the Hotel who was not examined by the respondent for the reasons best known to him who was the best person to prove this document in order to through light on the true version of the incident. It is also significant to note that the petitioner has not appended his signatures at the proper place provided in the document nor it is was proved by respondent that the petitioner has received the payment of Rs. 35,000/- and then appended his signature in token of its receipt and as such Ex. RC is not proved on record as per law.

12. The respondent has not challenged ten years of service in the respondent hotel, who had worked for more than 240 days in preceding year without any enquiry or charge sheet and as such it is clear that he was terminated from service without proving any charge against him and therefore, he was condemned unheard as no opportunity of being heard was afforded to him. Since the version of petitioner has not been assailed in his cross-examination and rather the respondent has not disputed the continuous prevision service of the petitioner as waiter in the hotel preceding his termination and even not challenged that the petitioner had worked for more than 240 days during the preceding 12 months from the date of his termination. Section 25 F of the Industrial Disputes Act, 1947 provides that:—

**25-F. Conditions Precedent to Retrenchment of Workmen.**—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent of fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette.)

13. Thus, having regard to the entire evidence on record and having regard to the fact that with the termination of the workmen who has worked for more than 240 days in a year without holding any enquiry and payment of retrenchment compensation is illegal as set-up by the respondent is proved on record and such termination amounts to illegal retrenchment contravening the provisions of Section 25-F of the Act. Accordingly, Issue No. 1 is decided in favour of the petitioner and against the respondent.

*Issue No-2.*

14. Since I have held under issue No. 1, even that no retrenchment compensation as claimed by the respondent is proved on record and no enquiry was held by the respondent before terminating the services of the petitioner and therefore, the petitioner is entitled to be reengagement forth-with with seniority and continuity in service. Since the petitioner is proved to be in gainful employment at Chamba during his termination hence, is not entitled to back-wages. Accordingly, this issue is decided accordingly.

*Issue No-3.*

15. In support of this issue, no evidence was led by the respondent being the illegal issue. However, I find nothing wrong with this petition it is perfectly maintainable in the present form. Accordingly issue No. 3 is decided against the respondent.

### RELIEF

As a sequel to above discussion and findings on issue No. 1 to 3 above, the claim succeeds and as such the petitioner is held entitled for reengagement with seniority in service forth-with but without back wages and as such this reference is answered accordingly. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File after completion be consigned to records.

Announced in the open Court today on this 30th Day of May, 2008 in presence of parties.

JAGMOHAN SINGH MAHANTAN,  
Presiding Judge, HP Industrial Tribunal-cum-  
Labour Court, Shimla.

**IN THE COURT OF JAGMOHAN SINGH MAHANTAN, PRESIDING JUDGE,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SHIMLA**

Ref. 87/2001

Samtal Workers Union

V/s

Samtal Color Ltd.

8.1.2008

Present: None.

Today the case is fixed for PWs but neither the petitioner nor his authorized Representative is present hence, the case is dismissed. Let a copy of this order be sent to the appropriate Government for publication in the official gazette. File after completion be consigned to record room.

Announced.

JAGMOHAN SINGH MAHANTAN,  
*Presiding Judge, HP Industrial Tribunal-cum-  
Labour Court, Shimla.*

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**IN THE COURT OF JAGMOHAN SINGH MAHANTAN, PRESIDING JUDGE,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SHIMLA**

Ref. No. .. 94 of 2002  
Instituted on .. 23-4-2002  
Decided on .. 31-5-2008

Lal Chand, S/o Shri Godhru Ram, R/o Village Mehlan, P.O Kotgarh, District Shimla, H.P.  
*..Petitioner.*

*Versus*

1. The Executive Engineer HPPWD Division, Kumarsain District Shimla, H.P.  
*..Respondent.*

*Reference under section 10 of the Industrial Disputes Act, 1947.*

For petitioner .. Shri S.S Sippy, Ld. AR.  
For respondent .. Shri T.C Kainthla, Ld. DDA.

**AWARD**

1. The following reference has been received for adjudication by this Court from the appropriate government:—

“Whether the termination of the services of Shri Lal Chand S/o Shri Kodru Ram w.e.f. Feb. 1998 by Executive Engineer, HPPWD Division Kumarsain, District Shimla, H.P. without

giving any notice, charge-sheet and without compliance of section 25-N/25-F of the Industrial Disputes Act, 1947 on the completion of 240 days of continuous service, as alleged by the workman is proper and justified? If not, what relief of service benefits the above workman is entitled to?"

"Whether the workman has abandoned the job at his own as alleged by the employer" If yes, its effect?"

2. The petitioner has filed the claim pleading therein that he was employed by the respondent as beldar on daily wages basis on 1-11-1994 and after his engagement he preformed his duties till 16-2-1998 continuously who was terminated by the respondent by an verbal order we.f. 17-2-1998 and the respondent made some for allegations against the petitioner vide letter dated 30-6-1998 and the petitioner filed reply to the letter while pleading his innocence and the respondent terminated the services of the petitioner without any charge sheet or enquiry and no notice was served upon petitioner at the time of termination and respondent also failed to make retrenchment compensation to the petitioner and even while terminating the services of the petitioner, several juniors persons namely S/shri Narsi Ram, Ganga Ram, Puri lal, Dil Bahadur, Sadhu Ram Palas Ram, Jhuti Ram ect. were retained by the respondent in service and are still working with the respondent department and the termination of the petitioner is illegal, hence the claim.

3. The respondent resisted and contested the claim of the petitioner and filed reply inter-alia contenting that the petitioner was engaged as daily paid beldar in Kotgarh section under Thanadhar Sub-Division we.f. 1-6-1994 and the service of the petitioner was never terminated by the department and the petitioner has left the work at his own will. It is also contented that the Junior Engineer concerned has caught the petitioner in a theft of wood. After a gap of 2 months, the respondent received written representation to his innocence. In-response of his representation, the respondent asked the petitioner to report his duties to the Junior Engineer concerned vide official letter dated 12-8-1998 but he failed to join his duties and the petitioner was not served with the charge sheet because the charge-sheet cannot be served to the daily waged worker and after committing the theft of wood, the petitioner left the work at his own will and there was no need to pay retrenchment compensation to the petitioner.

4. In the rejoinder, the petitioner controverted the assertion made in the reply and reaffirmed and reiterated the averments of the petition. The following issues were framed by this Court 21-4-2004.

1. Whether the termination of services w.e.f. Feb. 1998 of Shri Lal Chand by respondent without giving any notice, charge-sheet and without compliance of section 25-N/25-G of the Industrial Disputes Act, 1947 on completion of 240 days service, as alleged, is proper and justified? .. OPP
2. If issue No. 1 is not proved, to what service benefit the petitioner is entitled to? .. OPP
3. Whether the workman has abandoned his job at his own, as alleged by the employer? .. OPR
4. Relief.

5. I have heard the Ld. Counsels for the parties and also gone through the record of the case. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under:—



<i>Issue No. 1</i>	No
<i>Issue No. 2</i>	ordered to be reengaged the petitioner with seniority and continuity in service with 50% back wages.
<i>Issue No. 3</i>	No
<i>Relief</i>	Claim allowed per operative part of award.

### REASONS FOR FINDINGS

#### *Issue No. 1.*

6. Coming to issue No. 1, the petitioner has examined himself as PW-1 who has tenderd in evidence his affidavit on 1-10-2004 stating therein that he was appointed as beldar on daily wages by the respondent on 1-11-1993 and worked continuously till 16-2-1998 without any break and he was terminated from services by employer by verbal order on 17-2-1998. He has not left his services at his own will but Junior Engineer has got terminated his services in consideration with the Assistant Engineer and Executive Engineer by initiating false case against him of wooden scandal and the employer had partial attitude against him and retained junior worker in job who are S/Shri Narsi Ram, Ganga Ram, Puri lal, Dil Bahadur, Sadhu Ram Palas Ram, Jhuti Ram and he had worked for more than 240 days every year and requested employer time and again for re-engagement but without effect and the reply of the letter dated 30-6-1998 issued to him by the employer has also been sent on 7-7-1998 and that no charge sheet, enquiry and show cause notice was served upon him before the termination of his services and as such, he may be reengaged in service with continuity and back-wages.

7. To rebut the case of the petitioner, the respondent has examined Shri D.D Sharma, Assistant Engineer HPPWD Thanadhar who has stated that the petitioner was beldar who was engaged in June, 1996 to Feb. 1998 and then the petitioner has abandoned his job in Feb. 1998. They have issued a letter to resume his duties but he failed to report for duties and the petitioner never approached the department for his reengagement. Mandays chart of the petitioner is Ex. RW-1/A and as such the petitioner is not entitled to any relief.

8. The case of the petitioner is that he had already worked for more than 240 working days in preceding year when his services were terminated by the employer without any notice or payment of compensation. It is also the case of the petitioner that while terminating his services, a false allegation has been leveled against him that he was involved in a wood scandal but no enquiry or FIR has been registered against him by the respondent.

9. On the contrary, the respondent contested that the petitioner was not terminated by the respondent but the petitioner himself has abandoned the job who was asked to resume his duties by serving a notice to him and as such, the petitioner is not entitled to any relief.

10. I have considered the respective contention of both the parties and have scrutinized the record of the case. After the closed scrutiny of the record of the case, it stands proved on record from mandays chart Ex. RW-1/A that the petitioner had worked for more than 240 days in preceding year which is not disputed by the respondent but the case of the respondent is that the petitioner has abandoned the job of his own will and he was asked from time to time to resume his duties after serving a notice.

11. I have scrutinized the record of the case and observed that the allegation of theft has been levelled against the petitioner by the respondent and the petitioner has clarified his position but no domestic enquiry was conducted nor any FIR was registered against the petitioner nor any

relevant record regarding the allegations of theft against the petitioner is made available to this Court and thereafter, adverse inference cannot be drawn on the non production of the relevant record as it was held in 2001(4) SLR 619 case titled as Narotam Parasad V. State of U.P & Anr.

12. Apart from which I am observed that the petitioner has specifically pleaded in his evidence that the junior persons to him S/Shri Narsi Ram, Ganga Ram, Puri Lal, Dil Bahadur, Sadhu Ram Palas Ram, Jhuti Ram have been retained by the department and they are still working with the department. It is significant to note that no evidence is led by the respondent department in rebuttal to show that no persons junior to the petitioner were still working and as such the statement of petitioner remained unsheltered and it can safely be concluded that the junior to the petitioner are still working and this shows breach of section 25-F & 25-H. Here, I am fortified with the view taken by Hon'ble Supreme Court in 2007 LLR- 72 S.C. case titled as State of Haryana V. Dilbag Singh.

13. Adverting to the other aspect of the case, it stands proved on record that the petitioner has worked for 240 days continuous service and the version of petitioner has not been assailed in his cross-examination from the detail of working days given in Ex. RW-1/A it is evident that the petitioner has worked for 240 days in a preceding year.

*Section 25-F of the 'Act' provides that:*

**25-F. Conditions Precedent to Retrenchment of Workmen.**—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:—

- (d) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (e) the workman has been paid, at the time of retrenchment compensation which shall be equivalent of fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (f) notice in the prescribed manner is served on the appropriate government ( or such authority as may be specified by the appropriate Government by notification in the Official Gazette.)

14. After the closed scrutiny of section 25-F, it is clear that termination of services of the petitioner who has worked for more than 240 days in a preceding year without holding enquiry and payment of compensation is illegal and as such, the termination amounts to illegal retrenchment contravening the provisions of section 25-F of the I.D Act, 1947. Accordingly issue No-1 is decided in favour of the petitioner and against the respondent.

*Issue No. 2.*

15. Since I have held under issue No-1 above, that the termination of service of petitioner by the respondent is without notice, charge-sheet and without compliance of section 25-F and 25-N of Industrial disputes Act, 1947 and as such, the petitioner is ordered to be reengaged in service with 50% back wages and continuity of service.

*Issue No. 3.*

16. No evidence was led by the respondent in order to show that the petitioner has abandoned the job at his own. It is significant to note that the respondent has examined one Sh.

D.D. Sharma, Executive Engineer who has stated that they have issued the letter to the petitioner to resume his duties but he did not place on record any letter which could show that the petitioner was called upon to resume his duties. No doubt, there are letters Ex. R/1 and Ex. R/2 on record, but the petitioner has clarified his position vide his reply dated 7-7-1998 in which he has stated that he has raised an industrial dispute seeking re-engagement in service who was ready and willing to join the service provided, the department withdraws the allegations against him and in view of the available evidence on record, it can safely be concluded that the petitioner has not abandoned the job at his own will but his services were terminated by the department illegally and without notice or payment of compensation. Hence Issue No.3 is decided against the respondent and in favour of petitioner.

### RELIEF

As a sequel of my findings and discussions on Issue No. 1 to 3 above, the petition is allowed and as such, the respondent is directed to re-engage the petitioner with seniority and continuity in service along-with back wages @ 50%. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced in the open court today on this 31st day of May, 2008 in presence of parties.

JAGMOHAN SINGH MAHANTAN,  
*Presiding Judge, HP Industrial Tribunal-cum-  
Labour Court, Shimla.*

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न्यायालय श्री एस0 आर0 शर्मा, नायब तहसीलदार, कुल्लू व कार्यकारी दण्डाधिकारी, कुल्लू, तहसील व जिला कुल्लू (हि0 प्र0)

स्थानीय इश्तहार

बनाम

आम जनता

श्री रणजीत सिंह पुत्र श्री गुरदयाल सिंह, साकन ढालोगी, डाकघर फोजल, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसकी लड़की प्रतिभा का जन्म दिनांक 26-3-2003 को हुआ है। आवेदनकर्ता अपनी लड़की का जन्म रजिस्टर में दर्ज न करवा पाया है। परन्तु अब आवेदनकर्ता अपनी लड़की का जन्म का इन्द्राज ग्राम पंचायत हुरंग में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी, कुल्लू तथा सचिव, ग्राम पंचायत हुरंग द्वारा रिपोर्ट प्राप्त की गई है। उसकी रिपोर्ट से पाया गया है कि प्रतिभा का जन्म इन्द्राज उनके रिकार्ड में दर्ज न हुआ है।

अतः सर्वसाधारण को बजरिया इश्तहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को प्रतिभा की जन्म का इन्द्राज ग्राम पंचायत हुरंग में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस में इश्तहार साथ होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन या वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है अन्यथा किसी भी उजर व एतराज न होने की सूरत में कार्यवाही एकतरफा अमल में लाई जायेगी और प्रतिभा का जन्म का इन्द्राज ग्राम पंचायत हुरंग में जन्म रजिस्टर में दर्ज करने के आदेश पारित किये जाएंगे।

आज दिनांक 14-7-08 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

एस0 आर0 शर्मा,  
नायब तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी,  
कुल्लू, तहसील व जिला कुल्लू (हि0 प्र0)।

न्यायालय श्री एस0 आर0 शर्मा, नायब तहसीलदार, कुल्लू व कार्यकारी दण्डाधिकारी, कुल्लू, तहसील व जिला  
कुल्लू (हि0 प्र0)

स्थानीय इश्तहार

बनाम

आम जनता

श्री रामधन पुत्र श्री जानकी दास, साकन पूईद, डाकघर पूईद, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसका लड़का अनमोल आचार्य का जन्म दिनांक 15-11-2004 को हुआ है। आवेदनकर्ता अपने लड़के का जन्म रजिस्टर में दर्ज न करवा पाया है। परन्तु अब आवेदनकर्ता अपने लड़के का जन्म का इन्द्राज ग्राम पंचायत पूईद में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी, कुल्लू तथा सचिव, ग्राम पंचायत पूईद द्वारा रिपोर्ट प्राप्त की गई है। उसकी रिपोर्ट से पाया गया है कि अनमोल आचार्य का जन्म का इन्द्राज उनके रिकार्ड में दर्ज न हुआ है।

अतः सर्वसाधारण को बजरिया इश्तहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को अनमोल आचार्य के जन्म का इन्द्राज ग्राम पंचायत पूईद में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस में इश्तहार साथ होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन या वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है अन्यथा किसी भी उजर व एतराज न होने की सूरत में कार्यवाही एकतरफा अमल में लाई जायेगी और अनमोल आचार्य का जन्म का इन्द्राज ग्राम पंचायत पूईद में जन्म रजिस्टर में दर्ज करने के आदेश पारित किये जाएंगे।

आज दिनांक 14-7-08 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

एस0 आर0 शर्मा,  
नायब तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी,  
कुल्लू, तहसील व जिला कुल्लू (हि0 प्र0)।

न्यायालय श्री एस0 आर0 शर्मा, नायब तहसीलदार, कुल्लू व कार्यकारी दण्डाधिकारी, कुल्लू, तहसील व जिला  
कुल्लू (हि0 प्र0)

स्थानीय इश्तहार

बनाम

आम जनता

श्री भगत राम पुत्र श्री चेत राम, साकन जरेहढ़ भ्याल, डाकघर कटराई, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसका लड़का अमर का जन्म दिनांक 18-5-2002 को हुआ है। आवेदनकर्ता अपने लड़के का जन्म रजिस्टर में दर्ज न करवा पाया है। परन्तु अब आवेदनकर्ता अपने लड़के का जन्म का इन्द्राज ग्राम पंचायत कटराई में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी, कुल्लू तथा सचिव, ग्राम पंचायत कटराई द्वारा रिपोर्ट प्राप्त की गई है। उसकी रिपोर्ट से पाया गया है कि अमर का जन्म इन्द्राज उनके रिकार्ड में दर्ज न हुआ है।

अतः सर्वसाधारण को बजरिया इश्तहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को अमर के जन्म का इन्द्राज ग्राम पंचायत कटराई में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस में इश्तहार साथ होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन या वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है अन्यथा किसी भी उजर व एतराज न होने की सूरत में कार्यवाही एकतरफा अमल में लाई जायेगी और अमर का जन्म का इन्द्राज ग्राम पंचायत कटराई में जन्म रजिस्टर में दर्ज करने के आदेश पारित किये जाएंगे।

आज दिनांक 14-7-08 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

एस0 आर0 शर्मा,  
नायब तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी,  
कुल्लू, तहसील व जिला कुल्लू (हि0 प्र0)।

न्यायालय श्री एस0 आर0 शर्मा, नायब तहसीलदार, कुल्लू व कार्यकारी दण्डाधिकारी, कुल्लू, तहसील व जिला कुल्लू (हि0 प्र0)

स्थानीय इश्तहार

बनाम

आम जनता

श्री रणजीत सिंह पुत्र श्री गुरदयाल सिंह, साकन ढालोगी, डाकघर फोजल, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसकी लड़की दिव्या का जन्म दिनांक 30-1-2005 को हुआ है। आवेदनकर्ता अपनी लड़की का जन्म रजिस्टर में दर्ज न करवा पाया है। परन्तु अब आवेदनकर्ता अपनी लड़की का जन्म का इन्द्राज ग्राम पंचायत हुरंग में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी, कुल्लू तथा सचिव, ग्राम पंचायत हुरंग द्वारा रिपोर्ट प्राप्त की गई है। उसकी रिपोर्ट से पाया गया है कि दिव्या का जन्म इन्द्राज उनके रिकार्ड में दर्ज न हुआ है।

अतः सर्वसाधारण को बजरिया इश्तहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को दिव्या की जन्म का इन्द्राज ग्राम पंचायत हुरंग में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस में इश्तहार साथ होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन या वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है अन्यथा किसी भी उजर व एतराज न होने की सूरत में कार्यवाही एकतरफा अमल में लाई जायेगी और दिव्या का जन्म का इन्द्राज ग्राम पंचायत हुरंग में जन्म रजिस्टर में दर्ज करने के आदेश पारित किये जाएंगे।

आज दिनांक 14-7-08 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

एस0 आर0 शर्मा,  
नायब तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी,  
कुल्लू, तहसील व जिला कुल्लू (हि0 प्र0)।

ब अदालत श्री रोहित जमवाल, उप-मण्डल मैजिस्ट्रेट अर्की, जिला सोलन (हि0 प्र0)

श्री नेक राम पुत्र श्री सन्त राम, निवासी ग्राम कल्याणपुर, पो0 औ0 शहरोल, तहसील अर्की, जिला सोलन (हि0 प्र0)।

बनाम

आम जनता

. प्रतिवादीगण।

विषय.— जन्म तिथि दुरुस्त करने बारे।

प्रार्थी उपरोक्त ने इस अदालत में प्रार्थना-पत्र दायर कर रखा है कि उसकी जन्म तिथि स्कूल प्रमाण-पत्र के अनुसार 15-4-1973 जो कि सही है परन्तु पंचायत रिकार्ड में उसकी जन्म तिथि 1970 ही दर्ज है जो कि गलत है। अब वह ग्राम पंचायत शहरोल के अभिलेख में सही जन्म तिथि 15-4-1973 दर्ज करवाना चाहता है।

अतः इस ईशतहार राजपत्र, हिमाचल प्रदेश द्वारा आम जनता को सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस बारे कोई आपत्ति हो तो वह दिनांक 11-8-2008 को प्रातः 10.00 बजे असालतन हाजिर आकर इस न्यायालय में प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर या एतराज समायत न होगा तथा नेक राम सुपुत्र श्री सन्त राम, निवासी कल्याणपुर की जन्म तिथि 15-4-1973 को ग्राम पंचायत शहरोल में दर्ज करने के आदेश कर दिए जायेंगे।

आज दिनांक 11-7-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

रोहित जमवाल,  
उप-मण्डल मैजिस्ट्रेट अर्की,  
जिला सोलन (हि0 प्र0)।

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ब अदालत श्री रोहित जमवाल, उप-मण्डल मैजिस्ट्रेट अर्की, जिला सोलन (हि0 प्र0)

श्रीमती ज्योति गुप्ता पत्नी श्री चन्द्र किशोर गुप्ता, निवासी अर्की वार्ड नं0 4, पो0 ओ0 अर्की, तहसील अर्की, जिला सोलन (हि0 प्र0)।

बनाम

आम जनता

. प्रतिवादीगण।

विषय.— प्रार्थना-पत्र नाम दुरुस्ती बारे।

प्रार्थिया उपरोक्त ने इस अदालत में प्रार्थना-पत्र दायर कर रखा है कि उसके पुत्र का नाम नगर पंचायत के अभिलेख में हितेश गुप्ता दर्ज है जो कि गलत नाम है उसका सही नाम हर्षित गुप्ता है। अब वह नगर पंचायत अर्की में हितेश गुप्ता उर्फ हर्षित गुप्ता दर्ज करवाना चाहती है।

अतः इस ईशतहार राजपत्र, हिमाचल प्रदेश द्वारा आम जनता को सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस बारे कोई आपत्ति हो तो वह दिनांक 11-8-2008 को प्रातः 10.00 बजे असालतन हाजिर आकर इस न्यायालय में प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर व एतराज समायत

न होगा तथा हितेश गुप्ता सुपुत्र श्री चन्द्र किशोर गुप्ता, निवासी वार्ड नं० 4, नगर पंचायत अर्की का नाम हितेश गुप्ता उर्फ हर्षित गुप्ता को नगर पंचायत अर्की के अभिलेख में दर्ज करने के आदेश कर दिए जायेंगे।

आज दिनांक 11-7-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

रोहित जमवाल,  
उप-मण्डल मैजिस्ट्रेट अर्की,  
जिला सोलन (हि० प्र०)।

ब अदालत श्री देव राज शर्मा, कार्यकारी दण्डाधिकारी ढटवाल, जिला हमीरपुर (हि० प्र०)

श्री बीरबल चन्द पुत्र श्री लखू राम, वासी समैला, तप्पा ढटवाल, जिला हमीरपुर (हि० प्र०) . . प्रार्थी।

बनाम

आम जनता

. . प्रत्यार्थी।

प्रार्थना-पत्र जन्म तिथि दर्ज कराने बारे।

प्रार्थी श्री बीरबल चन्द पुत्र श्री लखू राम, वासी समैला ने इस अदालत में अपने पुत्र श्री हर्षित कुमार की जन्म तिथि 18-8-2007 को पंचायत रिकार्ड समैला में दर्ज कराने बारे प्रार्थना-पत्र पेश किया है। इसमें इन्होंने अपना शपथ-पत्र पंचायत का अप्राण्यता प्रमाण-पत्र भी पेश किया है।

अतः इस इशतहार अदालती द्वारा आम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को इस बारे कोई आपत्ति हो तो वह दिनांक 6-8-2008 से पूर्व इस अदालत में आकर अपना उजर पेश कर सकता है। बाद में आने पर कोई उजर जेर समायत न होगा। तथा नियमानुसार आगामी आदेश पारित कर दिये जाएंगे।

आज दिनांक 19-6-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

देव राज शर्मा,  
कार्यकारी दण्डाधिकारी ढटवाल,  
जिला हमीरपुर (हि० प्र०)।

ब अदालत श्री सुरजन सिंह, कार्यकारी दण्डाधिकारी, तहसील भोरंज, जिला हमीरपुर (हि० प्र०)

मिसल नम्बर :

तारीख पेशी : 24-8-2008

उनवान मुकद्दमा :

श्रीमती पम्मा देवी पत्नी स्वर्गीय श्री मान सिंह, वासी टीका मुण्डखर गैण्डा, तहसील भोरंज, जिला हमीरपुर (हि० प्र०)।

बनाम

## आम जनता

प्रार्थना—पत्र बाबत नाम दुरुस्ती राजस्व भू0—अभिलेख व पंचायत रिकार्ड मुण्डखर।

श्रीमती पम्मा देवी पत्नी स्वर्गीय श्री मान सिंह, वासी टीका मुण्डखर गैण्डा, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0) ने इस अदालत में राजस्व भू0—अभिलेख व पंचायत रिकार्ड में नाम दुरुस्ती हेतु दावा दायर किया है कि उसका वास्तविक नाम पम्मा देवी है जो उसके शिक्षा दस्तावेजों में भी दर्ज है। परन्तु उसका नाम राजस्व भू0—अभिलेख व पंचायत रिकार्ड में पूजा देवी दर्ज हुआ है जो गलत दर्ज हो चुका है इसलिए वह अपना नाम टीका मुण्डखर गैण्डा के राजस्व भू0—अभिलेख व पंचायत रिकार्ड में पूजा देवी उर्फ पम्मा देवी दुरुस्त करवाना चाहती है।

अतः सर्वसाधारण जनता को बजरिया इश्तहार राजपत्र सूचित किया जाता है कि उपरोक्त पंजीकरण के बारे में किसी को कोई उजर/एतराज हो तो वह दिनांक 24—8—2008 को असागतन व वकालतन इस कार्यालय में प्रातः 10.00 बजे हाजिर आवें तथा अपने उजर पेश करें। अन्यथा दीगर कार्यवाही अमल में लाई जाएगी।

आज दिनांक 10—7—2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

सुरजन सिंह,  
कार्यकारी दण्डाधिकारी, तहसील भोरंज,  
जिला हमीरपुर (हि0 प्र0।

ब अदालत श्री सुरजन सिंह, कार्यकारी दण्डाधिकारी, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0)

मिसल नम्बर :

तारीख पेशी : 24—8—2008

उनवान मुकद्दमा :

श्री रजनी कान्त पुत्र श्री हरी चन्द, वासी टीका गरदयाहड़, मौजा मेवा, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0)।

बनाम

आम जनता

प्रार्थना—पत्र बाबत नाम दुरुस्ती ग्राम पंचायत गरदयाहड़, मौजा मेवा, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0)।

श्री रजनी कान्त पुत्र श्री हरी चन्द, वासी टीका गरदयाहड़, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0) ने इस अदालत में दरखास्त गुजारी है कि उसके लड़के का वास्तविक नाम मोहित भारद्वाज है परन्तु ग्राम पंचायत पपलाह के रिकार्ड में गलती से अखिल भारद्वाज दर्ज हुआ है और ग्राम पंचायत गरदयाहड़ के रिकार्ड में ही गलती से अशवनी भारद्वाज दर्ज हुआ है। इसलिए वह अपने लड़के का नाम ग्राम पंचायत पपलाह के रिकार्ड में अखिल भारद्वाज के बजाये मोहित भारद्वाज व ग्राम पंचायत गरदयाहड़ के रिकार्ड में अशवनी भारद्वाज के बजाये मोहित भारद्वाज दुरुस्त करवाना चाहता है।

अतः सर्वसाधारण जनता को बजरिया इश्तहार राजपत्र सूचित किया जाता है कि उपरोक्त पंजीकरण के बारे में किसी को कोई उजर/एतराज हो तो वह दिनांक 24—8—2008 को असागतन व वकालतन इस



कार्यालय में प्रातः 10.00 बजे हाजिर आवें तथा अपने उजर पेश करें। अन्यथा दीगर कार्यवाही अमल में लाई जाएगी।

आज दिनांक 10-7-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

सुरजन सिंह,  
कार्यकारी दण्डाधिकारी, तहसील भोरंज,  
जिला हमीरपुर (हि0 प्र0।

ब अदालत श्री सुरजन सिंह, कार्यकारी दण्डाधिकारी, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0)

मिसल नम्बर :

तारीख पेशी : 24-8-2008

उनवान मुकद्दमा :

श्री रणजीत सिंह पुत्र श्री जाहेगल राम, वासी टीका वगवाड, मौजा मेवा, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0)।

बनाम

आम जनता

प्रार्थना-पत्र बाबत नाम दुरुस्ती राजस्व भू0-अभिलेख वासी टीका वगवाड, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0)।

श्री रणजीत सिंह पुत्र श्री जाहेगल राम, ग्राम वगवाड, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0) ने इस अदालत में राजस्व भू0-अभिलेख में नाम दुरुस्ती हेतु दावा दायर किया है कि उसका वास्तविक नाम रणजीत सिंह है जो उसके ग्राम पंचायत अभिलेख व शिक्षा दस्तावेजों में भी दर्ज है परन्तु उसका नाम राजस्व भू0-अभिलेख में अजीत उर्फ जीत राम दर्ज हुआ है जो गलत दर्ज हो चुका है। इसलिए वह अपना नाम महाल वगवाड के राजस्व अभिलेख में अजीत उर्फ जीत राम उर्फ रणजीत सिंह दुरुस्त करवाना चाहता है।

अतः सर्वसाधारण जनता को बजरिया इश्तहार राजपत्र सूचित किया जाता है कि उपरोक्त पंजीकरण के बारे में किसी को कोई उजर/एतराज हो तो वह दिनांक 24-8-2008 को असालतन व वकालतन इस कार्यालय में प्रातः 10.00 बजे हाजिर आवें तथा अपने उजर पेश करें। अन्यथा दीगर कार्यवाही अमल में लाई जाएगी।

आज दिनांक 10-7-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

सुरजन सिंह,  
कार्यकारी दण्डाधिकारी, तहसील भोरंज,  
जिला हमीरपुर (हि0 प्र0।

ब अदालत श्री सुरजन सिंह, कार्यकारी दण्डाधिकारी, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0)

मिसल नम्बर :

तारीख पेशी : 24-8-2008

उनवान मुकद्दमा :

श्री विधि चन्द पुत्र श्री लिखू राम, वासी टीका अमरोह, मौजा मेवा, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0)।

बनाम

आम जनता

प्रार्थना-पत्र बाबत नाम दुरुस्ती राजस्व भू0-अभिलेख व पंचायत रिकार्ड अमरोह।

श्री विधि चन्द पुत्र श्री लिखू राम, वासी टीका तन अमरोह, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0) ने इस अदालत में राजस्व भू0-अभिलेख व पंचायत रिकार्ड में नाम दुरुस्ती हेतु दावा दायर किया है कि उसका वास्तविक नाम विधि चन्द है जो उसके शिक्षा दर्जावेजों व सर्विस रिकार्ड में भी दर्ज है। परन्तु उसका नाम राजस्व भू0 अभिलेख व पंचायत रिकार्ड में रोशन लाल दर्ज हुआ है जो गलत दर्ज हो चुका है। इसलिए वह अपना नाम टीका तन अमरोह के राजस्व भू0-अभिलेख व पंचायत रिकार्ड में रोशन लाल के बजाये विधि चन्द दुरुस्त करवाना चाहता है।

अतः सर्वसाधारण जनता को बजरिया इश्तहार राजपत्र सूचित किया जाता है कि उपरोक्त पंजीकरण के बारे में किसी को कोई उजर/एतराज हो तो वह दिनांक 24-8-2008 को असालतन व वकालतन इस कार्यालय में प्रातः 10.00 बजे हाजिर आवें तथा अपने उजर पेश करें। अन्यथा दीगर कार्यवाही अमल में लाई जाएगी।

आज दिनांक 10-7-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

सुरजन सिंह,  
कार्यकारी दण्डाधिकारी, तहसील भोरंज,  
जिला हमीरपुर (हि0 प्र0)।

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ब अदालत एस0 के कौण्डल, सहायक समाहर्ता प्रथम श्रेणी, तहसील लड-भडोल, जिला मण्डी (हि0 प्र0)

मिसल नं0 8

तारीख मरजुआ : 10-7-08

तारीख पेशी : 25-8-2008

श्रीमती ब्यासा देवी विधवा श्री सुन्दर, निवासी बाग (मलकोटा), तहसील लड-भडोल, जिला मण्डी (हि0 प्र0)।

बनाम

आम जनता

प्रार्थना-पत्र बाबत नाम दुरुस्ती भू-राजस्व कागजात महाल बाग, तहसील लड-भडोल, जिला मण्डी (हि0 प्र0)।

श्रीमती ब्यासा देवी विधवा श्री सुन्दर, निवासी बाग (मलकोटा), तहसील लड-भडोल, जिला मण्डी (हि0 प्र0) ने इस अदालत में एक आवेदन-पत्र प्रस्तुत किया है कि उसका वास्तविक नाम ब्यासा देवी है जो उसकी ग्राम पंचायत के अभिलेख में भी दर्ज है परन्तु उसका नाम भू-राजस्व कागजात महाल बाग में विशो देवी दर्ज हुआ है। जो गलत दर्ज हो चुका है। अतः उसका नाम भू-राजस्व कागजात महाल बाग में दुरुस्त किया जावें।

अतः आम जनता को बजरिय इश्तहार द्वारा सूचित किया जाता है कि किसी को श्रीमती ब्यासा देवी के नाम दुरुस्ती महाल बाग में कोई उजर व एतराज हो तो वह दिनांक 25-8-2008 को असालतन व वकालतन इस कार्यालय में सुबह 10.00 बजे हाजिर हों तथा उजर/एतराज पेश करें अन्यथा एक पक्षीय कार्यवाही अमल में लाई जायेगी।

आज दिनांक 18-7-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एस0 के0 कौण्डल,  
सहायक समाहर्ता प्रथम श्रेणी,  
तहसील लड-भडोल, जिला मण्डी (हि0 प्र0)।

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ब अदालत श्री विजय कुमार (हि0प्र0से0), उप-मण्डल दण्डाधिकारी एवं समाहर्ता करसोग,  
जिला मण्डी (हि0 प्र0)

श्री शंकर दास गुप्ता पुत्र स्वा0 श्री नरोत्तम राम, ग्राम डाकघर व तहसील करसोग, जिला मण्डी (हि0प्र0) . . प्रार्थी।

बनाम

आम जनता

. . प्रत्यार्थीगण।

दरखास्त जेर धारा 13 (3) जन्म व मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय शपथ-पत्र, मृत्यु प्रमाण-पत्र, ब्यान व नकल परिवार गुजारा है कि श्रीमती दमयन्ती गुप्ता पत्नी श्री शंकर दास गुप्ता की मृत्यु ग्राम पंचायत बासा, तहसील चच्योट में दिनांक 13-1-2007 को हुई है। किसी कारणवश प्रार्थी अपनी पत्नी की मृत्यु ग्राम पंचायत अप्पर करसोग के परिवार रजिस्टर में दर्ज नहीं करवा सका। प्रार्थी अब ग्राम पंचायत अप्पर करसोग के परिवार रजिस्टर में अपनी पत्नी की मृत्यु तिथि 13-1-2007 दर्ज करवाना चाहता है।

अतः सर्वसाधारण जनता को इस इश्तहार के माध्यम से सूचित किया जाता है कि है कि यदि किसी व्यक्ति को उपरोक्त नाम परिवार रजिस्टर में दर्ज करने बारे किसी भी व्यक्ति को कोई उजर/एतराज हो तो वह दिनांक 18-8-2008 को इस न्यायालय में प्रातः 10.00 बजे असालतन या वकालतन उपस्थित आकर अपनी आपत्ति या एतराज पेश कर सकता है। हाजिर न आने की सूरत में नियमानुसार कार्यवाही अमल में लाई जायेगी।

आज दिनांक 17-7-2008 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

विजय कुमार, (हि0प्र0से0),  
उप-मण्डल दण्डाधिकारी एवं समाहर्ता करसोग,  
जिला मण्डी (हि0 प्र0)।

ब अदालत श्री विजय कुमार (हि0प्र0से0), उप-मण्डल दण्डाधिकारी एवं समाहर्ता करसोग,  
जिला मण्डी (हि0 प्र0)

श्री थरनी धर पुत्र श्री लच्छमु राम, ग्राम अलसिण्डी, ग्राम पंचायत बलिण्डी, डाकघर अलसिण्डी,  
तहसील करसोग, जिला मण्डी (हि0प्र0) . . प्रार्थी।

बनाम

आम जनता . . प्रत्यार्थीगण।

दरखास्त जेर धारा 13 (3) जन्म व मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय शपथ-पत्र व नकल परिवार गुजारा है कि उसके बेटे अक्षय कुमार पुत्र श्री थरनी धर का जन्म 9 मार्च, 2005 का है, जिसका नाम किसी कारणवश पंचायत के परिवार रजिस्टर में दर्ज नहीं हो पाया है। को अब ग्राम पंचायत में दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इशतहार के माध्यम से सूचित किया जाता है कि है कि यदि किसी व्यक्ति को उपरोक्त नाम दुरुस्ती में कोई एतराज हो तो वह दिनांक 18-8-2008 को इस न्यायालय में प्रातः 10.00 बजे असालतन या वकालतन उपस्थित आकर अपनी आपत्ति या एतराज पेश कर सकता है। हाजिर न आने की सूरत में नियमानुसार कार्यवाही अमल में लाई जायेगी।

आज दिनांक 17-7-2008 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

विजय कुमार, (हि0प्र0से0),  
उप-मण्डल दण्डाधिकारी एवं समाहर्ता करसोग,  
जिला मण्डी (हि0 प्र0)।

ब अदालत श्री जे0 आर0 भारद्वाज, सहायक समाहर्ता, द्वितीय श्रेणी सियुन्ता, जिला चम्बा (हि0 प्र0)

श्री विधिया राम उर्फ निधो राम सुपुत्र श्री लोजन, ग्राम चेली, मौजा पुखरु, उप-तहसील सियुन्ता,  
जिला चम्बा (हि0 प्र0) . . प्रार्थी।

बनाम

आम जनता

केस नं0 16-3-XIII-B/08

तारीख पेशी : 20-8-2008

सर्वसाधारण जनता को सूचित किया जाता है कि श्री विधिया राम उर्फ निधो राम सुपुत्र श्री लोजन, ग्राम चेली, मौजा पुखरु, उप-तहसील सियुन्ता, जिला चम्बा (हि0 प्र0) ने इस अदालत में आवेदन-पत्र दिया है कि उसका नाम निधो राम दर्ज है, लेकिन राजस्व अभिलेख में विधिया राम दर्ज है। प्रार्थी अपने नाम की दुरुस्ती करवाना चाहता है।

अतः आगामी कार्यवाही से पहले सर्वसाधारण जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को इस नाम विधिया राम उर्फ निधो राम पुत्र श्री लोजन, निवासी चेली, मौजा पुखरु, पंचायत काथला के राजस्व अभिलेख में दर्ज करने बारे कोई आपत्ति हो तो वे दिनांक 20-8-2008 को सुबह 10.00 बजे मौखिक या लिखित रूप में असालतन या वकालतन एतराज पेश कर सकते हैं, यदि उपरोक्त दिनांक को कोई उजर/एतराज पेश न हुआ तो समझा जाएगा कि उक्त नाम को राजस्व अभिलेख में दर्ज करने बारे कोई एतराज न है और नियमानुसार कार्यवाही अमल में लाई जावेगी।

आज दिनांक 14-7-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

जे० आर० भारद्वाज,  
सहायक समाहर्ता, द्वितीय श्रेणी सियुन्ता,  
जिला चम्बा (हि० प्र०)।

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ब अदालत श्री जे० आर० भारद्वाज, सहायक समाहर्ता, द्वितीय श्रेणी सियुन्ता, जिला चम्बा (हि० प्र०)

श्री चाड़ राम उर्फ दुनिया राम सुपुत्र स्व० श्री धान्या राम, निवासी रलवोटा, मुहाल टिकरी, उप-तहसील सियुन्ता, जिला चम्बा (हि० प्र०)।

बनाम

आम जनता

केस नं० 15-3-XIII-B/08

तारीख पेशी : 20-8-2008

सर्वसाधारण जनता को सूचित किया जाता है कि श्री चाड़ राम उर्फ दुनिया राम सुपुत्र स्व० श्री धान्या राम, निवासी रलवोटा, मुहाल टिकरी, उप-तहसील सियुन्ता, जिला चम्बा (हि० प्र०) ने इस अदालत में आवेदन-पत्र दिया है कि उसका नाम पंचायत अभिलेख में दुनिया राम दर्ज है, लेकिन राजस्व अभिलेख में चाड़ राम दर्ज है। प्रार्थी अपने नाम की दुरुस्ती करवाना चाहता है।

अतः आगामी कार्यवाही से पहले सर्वसाधारण जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को इस नाम चाड़ राम उर्फ दुनिया राम पुत्र श्री धान्या राम, निवासी रलवोटा, पंचायत टिकरी के राजस्व अभिलेख में दर्ज करने बारे कोई आपत्ति हो तो वे दिनांक 20-8-2008 को सुबह 10.00 बजे मौखिक या लिखित रूप में असालतन या वकालतन एतराज पेश कर सकते हैं, यदि उपरोक्त दिनांक को कोई उजर/एतराज पेश न हुआ तो समझा जाएगा कि उक्त नाम को राजस्व अभिलेख में दर्ज करने बारे कोई एतराज न है और नियमानुसार कार्यवाही अमल में लाई जावेगी।

आज दिनांक 14-7-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

जे० आर० भारद्वाज,  
सहायक समाहर्ता, द्वितीय श्रेणी सियुन्ता,  
जिला चम्बा (हि० प्र०)।

ब अदालत श्री एन० के० लट्ट, (हि०प्र०से०), उप-मण्डल दण्डाधिकारी भरमौर, जिला चम्बा (हि० प्र०)

श्री सुनीत कुमार सुपुत्र श्री मोती राम, निवासी गांव थल्ला, डा० औराफाटी, तहसील भरमौर, जिला चम्बा (हि० प्र०)।

बनाम

आम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री सुनीत कुमार सुपुत्र श्री मोती राम, निवासी गांव थल्ला, डा० औराफाटी, तहसील भरमौर, जिला चम्बा ने इस न्यायालय में प्रार्थना-पत्र गुजारा है कि प्रार्थी के चाचा स्वर्गीय सर्व श्री डुमणू राम पुत्र श्री भादर राम व राम चन्द पुत्र श्री दास, निवासी गांव थल्ला, तहसील भरमौर, जिला चम्बा की दिनांक 15-5-2008 को अकस्मात मृत्यु हो चुकी है परन्तु अज्ञानतावश उनकी मृत्यु ग्राम पंचायत के रिकार्ड में दर्ज नहीं करवा सका है जिसे दर्ज करने के आदेश दिए जाएं।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त मृतकों की मृत्यु दर्ज करवाने बारे कोई आपत्ति एवं उजर हो तो वह अपना उजर/एतराज इशतहार जारी होने के एक माह के भीतर असालतन या वकालतन हाजिर अदालत हो कर पेश कर सकता है अन्यथा नियमानुसार कार्यवाही अमल में लाई जाकर प्रार्थी द्वारा बताई गई मृत्यु की तिथि दर्ज करने के आदेश जारी कर दिए जाएंगे तथा बाद में कोई उजर काबिले समायत न होगा।

आज दिनांक 2-7-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एन० के० लट्ट,  
(हि०प्र०से०), उप-मण्डल दण्डाधिकारी भरमौर,  
जिला चम्बा (हि० प्र०)।

ब अदालत श्री विचित्र सिंह ठाकुर, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी पालमपुर, जिला कांगड़ा  
(हि० प्र०)

तारीख पेशी : 30-8-2008

बनाम

सर्वसाधारण एवं आम जनता

प्रार्थना-पत्र अधीन धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री सुख राम सुपुत्र श्री तुलसी राम, निवासी महाल मसैरना, मौजा कस्बा प्रन्नर, तहसील पालमपुर, जिला कांगड़ा (हि० प्र०) ने इस कार्यालय में प्रार्थना-पत्र दिया है कि उसका जन्म दिनांक 12-5-1952 को हुआ है। मगर ग्राम पंचायत प्रन्नर के अभिलेख में दर्ज नहीं है।

अतः इस इशतहार हजा द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई उजर या एतराज हो तो वे दिनांक 30-8-2008 को सुबह 1.00 बजे असालतन या वकालतन हाजिर

अदालत आकर प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर या एतराज काबिले समायत न होगा तथा सुख राम सुपुत्र श्री तुलसी राम की जन्म तिथि 12-5-1952 पंजीकरण आदेश सम्बन्धित पंचायत को पारित कर दिए जायें।

आज दिनांक 15-7-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

विचित्र सिंह ठाकुर,  
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी पालमपुर,  
जिला कांगड़ा (हि0 प्र0)।

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ब अदालत श्री विचित्र सिंह ठाकुर, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी पालमपुर, जिला कांगड़ा  
(हि0 प्र0)

तारीख पेशी : 30-8-2008

बनाम

सर्वसाधारण एवं आम जनता

प्रार्थना-पत्र अधीन धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती सोनिया देवी सुपुत्री श्री प्रदीप कुमार, निवासी खिलडू, मौजा विन्द्रावन, तहसील पालमपुर, जिला कांगड़ा (हि0 प्र0) ने इस कार्यालय में प्रार्थना-पत्र दिया है कि उसका जन्म दिनांक 30-9-1984 को हुआ है। मगर ग्राम पंचायत विन्द्रावन के अभिलेख में दर्ज नहीं है।

अतः इस इशतहार हजा द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई उजर या एतराज हो तो वे दिनांक 30-8-2008 को सुबह 1.00 बजे अदालतन या वकालतन हाजिर अदालत आकर प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर या एतराज काबिले समायत न होगा तथा सोनिया देवी सुपुत्री श्री प्रदीप कुमार की जन्म तिथि 30-9-1984 पंजीकरण आदेश सम्बन्धित पंचायत को पारित कर दिए जायें।

आज दिनांक 15-7-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

विचित्र सिंह ठाकुर,  
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी पालमपुर,  
जिला कांगड़ा (हि0 प्र0)।

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ब अदालत श्री विचित्र सिंह ठाकुर, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी पालमपुर, जिला कांगड़ा  
(हि0 प्र0)

श्री सराफ राम उपनाम सरूप चन्द

. प्रार्थी।

बनाम

सर्वसाधारण एवं आम जनता

उनवान मुकद्दमा : प्रार्थना-पत्र नाम दुरुस्ती।

प्रार्थी श्री सराफ राम पुत्र श्री हरी राम, निवासी मझैटली जिया ने इस अदालत में प्रार्थना-पत्र प्रस्तुत किया है कि प्रार्थी का नाम राजस्व अभिलेख में सरूप चन्द दर्ज है जबकि प्रार्थी का नाम सराफ राम है।

अतः इस इशतहार द्वारा हर खास व आम को सूचित किया जाता है कि यदि किसी को उक्त नाम दुरुस्ती बारे आपत्ति हो तो वह 14-8-2008 को असालतन या वकालतन अपना एतराज अदालत में हाजिर आकर उजर पेश कर सकता है। इसके बाद कोई उजर/एतराज नहीं सुना जाएगा।

आज दिनांक 15-7-2008 को हमारे हस्ताक्षर व मोहर सहित जारी हुआ।

मोहर।

विचित्र सिंह ठाकुर,  
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी पालमपुर,  
जिला कांगड़ा (हि0 प्र0)।

ब अदालत श्री राजेश भण्डारी, सहायक समाहर्ता, द्वितीय श्रेणी रक्कड़, जिला कांगड़ा (हि0 प्र0)

केस नम्बर : 2/08 NT

किस्म मुकद्दमा : नाम दुरुस्ती

तारीख पेशी : 30-8-2008

श्री राकेश कुमार सुपुत्र श्री चरण दास, महाल संदवा, मौजा गरली, तहसील रक्कड़, जिला कांगड़ा (हि0 प्र0)।

बनाम

सर्वसाधारण एवं आम जनता

विषय .-नाम की दुरुस्ती हेतु।

श्री राकेश कुमार सुपुत्र श्री चरण दास, महाल संदवा, मौजा गरली, तहसील रक्कड़, जिला कांगड़ा (हि0 प्र0) ने अदालत हजा में प्रार्थना-पत्र मय शपथ-पत्र दायर किया है कि उसका नाम कागजात माल में राजेश कुमार पुत्र श्री चरण दास, महाल संदवा में गलत दर्ज है। दुरुस्त करने का अनुरोध किया है। मुताबिक स्कूल प्रमाण-पत्र, ग्राम पंचायत रिकार्ड में राकेश कुमार पुत्र श्री चरण दास है।

अतः आम जनता को इस इशतहार राजपत्र हिमाचल प्रदेश द्वारा सूचित किया जाता है कि यदि किसी को राजेश कुमार पुत्र श्री चरण दास की बजाये राकेश कुमार पुत्र श्री चरण दास, महाल संदवा दुरुस्ती करने बारा एतराज हो तो वह असालतन या वकालतन दिनांक 30-8-2008 को प्रातः 10.00 बजे हाजिर अदालत में पेश कर सकते हैं अन्यथा नाम दुरुस्ती के आदेश हस्त जावता पारित कर दिये जाएंगे।

आज दिनांक 15-7-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

राजेश भण्डारी,  
सहायक समाहर्ता, द्वितीय श्रेणी रक्कड़,  
जिला कांगड़ा (हि0 प्र0)।